

OHIO.

Walter B. Johnson, Fredericktown.
John J. Roberts, Prospect.

PENNSYLVANIA.

Gilbert B. Brindle, Belleville.

SOUTH DAKOTA.

John W. Jordan, Presho.
Frank Smith, Sturgis.

UTAH.

Lorenzo W. Anderson, Brigham.
Dennis Wood, Nephis.

WEST VIRGINIA.

Wilbur H. Veach, Farmington.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 13, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven illumine our minds and make clean our hearts that we may be susceptible to the holy influences ever going out from Thee unto Thy children; that we may reflect Thy glory in thought, word, and deed; that no regrets may follow in the wake of this day, for Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to Mr. SULZER, until Tuesday next, on account of a death in his family.

LEAVE TO WITHDRAW PAPERS—SIMON NAGER.

By unanimous consent, at the request of Mr. WILSON of New York, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Simon Nager (H. R. 24976), Sixty-first Congress, second session, no adverse report having been made thereon.

HYDRO-ELECTRIC CO. OF CALIFORNIA.

The SPEAKER. This is Calendar Wednesday, and the call rests on the Committee on the Public Lands.

Mr. FERRIS. Mr. Speaker, pending the automatic going into Committee of the Whole on the bill H. R. 12572, the Hydro-Electric Co. bill, which was under consideration on last Calendar Wednesday, I should like to see if we can arrange for time. I will ask the gentleman from Illinois [Mr. MANN] if he does not think we can complete the debate on this bill in two hours, dividing the time equally between those who are in favor of the bill and those who are opposed to it.

Mr. MANN. There are several gentlemen who have indicated a desire to speak upon this bill at some length, as it involves a very considerable proposition.

Mr. PICKETT. Mr. Speaker, I should like to hear the request made by my colleague on the committee.

Mr. FERRIS. I ask unanimous consent that the time for general debate on this bill be fixed at two hours.

Mr. MANN. The gentleman will realize that his side has already occupied something over an hour and a half.

Mr. FERRIS. I thought only one hour had been consumed on this side.

Mr. MANN. The time of the gentleman from California [Mr. RAKER] was extended, and ran half an hour longer than that, I think.

Mr. FERRIS. How much time does the gentleman think we ought to consume on a right of way across 160 acres of land?

Mr. MANN. I do not think we ought to consume any time at all. I do not think the bill ought to be here; but it involves so much more than that that gentlemen desire to be heard. The gentleman from South Carolina [Mr. LEVER] desires some time. My colleague from Illinois [Mr. FOSTER] desires some time. The gentleman from Wisconsin [Mr. LENROOT] desires some time. The gentleman from Iowa [Mr. PICKETT], a member of the Committee on the Public Lands, desires some time, and if the Lord is willing, I should like to have two or three minutes myself.

Mr. FERRIS. What time does the gentleman suggest? Would three hours be agreeable to the gentleman? The calendar is loaded down with other bills, and I take it we do not want to consume time on this bill unnecessarily. I will ask the gentleman if three hours will be sufficient?

Mr. MANN. I do not think so.

Mr. LENROOT. Inasmuch as the other side have consumed an hour and a half, does not the gentleman think it would be fair to let the debate run on for an hour or two before any attempt is made to reach an agreement?

Mr. FERRIS. The gentleman is aware of the fact that we can not fix the time in the committee otherwise than by unanimous consent. I was hoping that we might fix a time, and not consume all of Calendar Wednesday with this bill.

Mr. LENROOT. The gentleman must realize that this is probably one of the most important bills before this Congress.

Mr. FERRIS. The gentleman and I are in wide disagreement about that.

Mr. MANN. I think we may be able to agree upon three hours on the part of those opposed to the bill and an hour and a half additional to those who are in favor of the bill, they having already consumed an hour and a half.

Mr. FERRIS. That would take the entire day.

Mr. MANN. I imagine the bill will take the entire day anyhow, although as far as I am concerned I am quite willing that at the end of the consideration of this bill the gentleman shall have an opportunity to call up another bill.

Mr. BARTLETT. I should like to know when any other bill is going to get a chance.

Mr. FERRIS. Is the gentleman willing to agree to an hour and a half additional for those who are in favor of the bill and two hours and a half for those who are opposed to the bill?

Mr. MANN. Why should gentlemen who favor the bill have more time than those who are opposed to the bill?

Mr. FERRIS. The author of the bill has consumed, perhaps, more time than he was strictly entitled to, no time having been fixed.

Mr. MANN. Oh, no.

Mr. FERRIS. I do not know that we will use all the time.

Mr. MANN. Give us three hours and take an hour and a half. That will give the gentleman an opportunity to call up another bill, and that is all he can do.

Mr. FERRIS. An hour and a half for us and three hours for those opposed to the bill?

Mr. MANN. Yes.

The SPEAKER. What is the request of the gentleman?

Mr. FERRIS. I ask unanimous consent that the time be divided between the gentleman from Illinois and myself, one hour and a half to be controlled by myself and three hours by the gentleman from Illinois.

Mr. PICKETT. I desire to enter an objection.

The SPEAKER. The Chair is about to put the request.

Mr. MANN. I hope the gentleman from Iowa will not object. The SPEAKER. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that the general debate on this bill be limited to four hours and a half, one hour and a half to be controlled by himself and three hours by the gentleman from Illinois [Mr. MANN]. Is there objection?

There was no objection.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12572) for the relief of the Hydro-Electric Co. of California, and the gentleman from Missouri [Mr. RUSSELL] will take the chair.

The CHAIRMAN. The Chair will state for the information of the House that general debate has been limited to four hours and a half, three hours to be controlled by the gentleman from Illinois [Mr. MANN] and one hour and a half by the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Chairman, will the gentleman from Illinois [Mr. MANN] consume some of his time now?

Mr. MANN. Mr. Chairman, I yield 30 minutes to the gentleman from South Carolina [Mr. LEVER].

Mr. LEVER. Mr. Chairman, the bill under consideration provides relief for the Hydro-Electric Co. of California. On its face it is innocent in size, in appearance, and in the report furnished by the Committee on the Public Lands to the House, and yet it is a bill which involves a great national policy. Its very innocence is its greatest danger.

In my experience in this House I have learned that ordinarily it is a good policy for a Member to follow the lead of the committee reporting a bill. That idea has been very much more impressed upon me since this side has come to be the majority of the House. All of us understand that no man, however active and energetic or bright and intelligent, can so inform himself on all bills as to vote intelligently upon all of them. It is necessary that committee reports in a measure bind Members, and as far as I am concerned I have tried to follow the action of the committees to which matters have been referred under the rules, except when I have had information which I believe to be sufficient to warrant me in making up

my mind to the contrary. In this case I do not hesitate to act in the face of the committee reporting the bill, for the facts against their action are convincing. This is a bill containing a number of whereases, and in five lines the proposed legislation is set out. It is usual that a committee reporting a bill involving so much as does this should furnish the House some reason for its action, some facts or reasons upon which its conclusions are based. I call the attention of the House to this fact, that here is a report of the Committee on the Public Lands—and I do not criticize that committee for it, for likely it has overlooked the big issues involved—which sets out the reason for the action of that committee in less than a dozen lines. Let me read the report of the committee on this bill:

Your committee unanimously recommend that the amendment be adopted and that the bill as amended do pass.

This bill (H. R. 12572) was the subject of a full and careful hearing before the committee on August 4, 1911. The facts set forth in the recitals of the bill were fully established, as shown by the printed report of the hearing. The reports and testimony of the departmental officers of the Government show that no detriment to any of the interests of the Government will result from the passage of the bill.

And so in this report of less than a dozen lines upon a bill involving the future policy of the Government with respect to the use of the national forests we have its illuminating reasons—so illuminating, so exhaustive, so thorough, so complete that it is carried in less than a dozen lines. It is filled with information, we are bound to admit, because if it were not filled with information it would likely cover a little more space.

What are the facts in this case? The Hydro-Electric Co. is a corporation organized under the laws of California, a power-development company. Its purpose is to furnish power to a number of cities in that locality. They own a lot of land adjacent to forest reserves. They build a pipe line up to the forest reserves, and the forester officer, performing his duty, notified the company that it was necessary for it to get a permit from the Government to build its pipe line across the national forest. The distance is inconsiderable, 3,800 feet, I believe. The company refused to listen to the agent of the department, and there was a threat of arrest by the local forester. That threat was withdrawn by direction of the Forest Service in Washington. The case was submitted to a court in chancery. The facts were argued, the law was argued, with the result that a restraining order or injunction was issued against the company proceeding further in the matter without a permit, as is required by law of all such users of the public domain.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. RAKER. The gentleman does not undertake to tell the committee that this case was heard by a court in chancery?

Mr. LEVER. It was heard by a master in chancery.

Mr. RAKER. Oh, that is a different thing.

Mr. LEVER. It is a distinction without a difference.

Mr. RAKER. Let me assure the gentleman it is not.

Mr. LEVER. The action of the Forestry Service, the conclusions of that service, were absolutely upheld by the master in chancery; and if I had the time I should read into the RECORD now the findings of the master in chancery, which, in effect, hold that the claims of this company are fraudulent and without legal or equitable standing. The case went on and the statement has been made on the floor of the House that the development work of this company has been stopped absolutely by the action of the Forest Service. I stand here to deny that proposition. The development work of the company has not been stopped. Their works across the forest lands have been completed under an agreement between the company and the Department of Justice. The proposition has been advanced that this company desired to use the water for irrigation purposes. I wish to call the attention of the committee to the fact that if this company desired to develop itself for irrigation purposes, it has a right under the law to do that, and there can be no necessity for its coming here to-day and asking this special legislation for that purpose.

Mr. NORRIS. And nobody has tried to prevent it from doing that.

Mr. LEVER. There has not been a single effort on the part of the Forestry Service or upon the part of any agency of this Government to prevent this company from developing into an irrigation proposition—not in the least. Why does the company, if it is an irrigation proposition, come to Congress for relief? They have all the law necessary to permit the construction of its conduit pipes under the law, and I believe that is a proposition which the gentleman from California [Mr. RAKER] will not deny.

Another proposition has been made, and that is that this company now possesses an easement over this national forest. It is true and it is not true. The company does possess an easement over this land under an act of Congress which per-

mits a company to have such an easement over public lands for the sole purpose of developing mining concerns, but this company does not propose to do that. It is the purpose of this company to furnish power to a lot of cities—light, water, and the like of that—to cities in the immediate vicinity of this company.

Mr. ROBERTS of Nevada. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. ROBERTS of Nevada. Mr. Chairman, I would like to ask the gentleman if it is not a fact that the primary purpose for which this company was formed was the development of mining property adjacent to the power plant and within 160 miles in the State of Nevada?

Mr. LEVER. That is not my understanding of the purpose of this company.

Mr. ROBERTS of Nevada. Then the gentleman does not understand the purpose for which the company is formed, and why it is contending at the present time for its right.

Mr. LEVER. But the gentleman will admit that this company in its operations, in its statements to the committee, does not carry out the idea which the gentleman has in mind.

Mr. HAYES. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. HAYES. Does not the gentleman know that this company is the owner of two or three groups of mines that have been in operation in the past for many years, and that have produced many millions of dollars, and that the sole purpose or the chief purpose of its developing this water power is to furnish power to operate its mines?

Mr. LEVER. I do not think that I can agree with all of the proposition of the gentleman from California. This company perhaps does own some mines, but my understanding is—and I get it from sources which I think are reliable—that the purpose of its development in this instance is to furnish light, water, and the like of that, for some cities in the vicinity.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. RAKER. Will the gentleman tell the House from whom he received such information, when, as a matter of fact, we have the testimony and the entire record here with the affidavits that show to the contrary, that the disposition of electric power is an incident to the furnishing of power for their own plant?

Mr. LEVER. Mr. Chairman, I will say to my friend from California that I have read the record, and that I believe I am almost—I would not say entirely, because I have too much respect for the gentleman's good judgment—as able to make up my mind as to what this company is going to do as is the gentleman from California, and I believe that this company does not intend this development for the purpose of developing its mines, but does intend to develop it for other purposes, and I get my information from the reading of the record.

Mr. SHACKLEFORD. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. SHACKLEFORD. Mr. Chairman, I am not familiar with the merits of this controversy. Is it the information of the gentleman from South Carolina that this company has it in mind to engage in any unlawful purpose in the development of this power?

Mr. LEVER. Oh, I do not think there is any intention on the part of this company to engage in any unlawful purpose, but the gentleman from Missouri must remember this, that there is a law which was passed by this Congress which requires the payment of a fee and the issuance of a permit for the use of the national forest by these water-power development companies.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Just one minute. There is not a single reason which has been placed before Congress which would permit us to reach a conclusion that there ought to be an exception made in this case from the general law.

Mr. SHACKLEFORD. In that connection I will ask if this company has not already a right of way? Is it not the fact that this company has already a right of way across that forest reserve for the conveyance of this water?

Mr. LEVER. This company has a right of way across this national forest for mining purposes only under the act of Congress passed some years ago. I do not have that act right here, but I could insert it or read it if necessary.

Mr. SHACKLEFORD. Is it limited in its purposes to using that water for mining purposes?

Mr. LEVER. We do not understand that the use of this water is to be for mining purposes. That may be an incident to it, but the principal use of this water is for other purposes.

Mr. SHACKLEFORD. The gentleman does not understand me. In the original right granted to this company across the forest reserve with this water, was the company limited to using the water for mining purposes?

Mr. LEVER. Absolutely, in my understanding.

Mr. RAKER. Mr. Chairman, I would like to ask the gentleman a question, and I shall read the act, or a portion of it, Fourteenth Statutes at Large, page 253. That statute, in part, reads as follows:

Whenever by priority of possession rights to the use of water for mining, agricultural, manufacturing, or other purposes, etc.

There is absolutely no restriction upon the words "or other purposes."

Mr. LEVER. Mr. Chairman, I can not yield further to the gentleman. My time is limited, and the citation does not reach this case anyway.

Mr. SHACKLEFORD. Mr. Chairman, I will ask the gentleman if that does not contradict what the gentleman said awhile ago, in the company being limited in its purposes?

Mr. LEVER. Contradict me or the gentleman from California?

Mr. SHACKLEFORD. The gentleman from South Carolina.

Mr. LEVER. The statement of the gentleman from California is not in accord with my conception of the law, which permits a company an easement over public lands for purposes of mining only.

Mr. RAKER. But I have read the statute to the gentleman.

Mr. SHACKLEFORD. Mr. Chairman, will the gentleman yield?

Mr. LEVER. I yield to the gentleman.

Mr. SHACKLEFORD. When I was interrogating the gentleman from South Carolina just now another gentleman, occupying a seat on the other side of the aisle, who, I think, was the gentleman from Illinois [Mr. MANN], stated that the gentleman from South Carolina should require me to speak in my time.

Mr. MANN. The gentleman is mistaken. I had no reference to the gentleman from Missouri [Mr. SHACKLEFORD] at all.

Mr. SHACKLEFORD. Very well. I heard the statement.

Mr. MANN. But it had no reference to the gentleman from Missouri at all.

Mr. LEVER. Let me say this on the very point which the gentleman from Missouri raises, that if this company were a mining company, if they had no other purpose than to develop their mines, there would be absolutely no necessity for their coming here with this special bill. They have the right under the law now to easement over public property if the use of that easement is to be in the development of mining property. The truth is that this company desires to get something for nothing. The fact is that it desires the use of the public domain without paying the ordinary fees paid by other companies. The fact is that this company has come to Congress to make itself a special favorite of this body, while other companies are taking out their permits, paying the fees, and doing the things required by law in order for them to get the use of the national forests.

We have a great area out there in the West. These gentlemen from the Pacific coast have an idea that the national forests belong to them, and to them entirely. That is absolutely untrue. Every citizen of this country has an interest in the national forest. We are spending over \$5,000,000 a year to protect it. My experience in the past 10 years has been that these gentlemen from the West who protest against the regulations of the use of the forests encourage the Congress to appropriate for the protection of the forests. [Applause.]

Mr. TURNBULL. If this company had yielded to the demands of the Forest Service and obtained the permit, what would have been the fee charged?

Mr. LEVER. I understand that the stipulation entered into by the Department of Justice and the company required a conditional fee of \$75 a year. I understand, and I get my information from the testimony of the company itself, that in the final fee the charge would not be over \$200 or \$300 a year when complete development is had.

Now, gentlemen, in that connection I want to call your attention to this fact. You look upon this as a small proposition of \$75 or \$200 or \$300. It is small. The fee is nothing to a corporation that is going to do millions of dollars of business. It is not the fee, but the precedent over which this fight is waged.

Mr. COX of Ohio. What, in your judgment, in the way of fee should this company pay the Government?

Mr. LEVER. I think that is a matter to be regulated by the department, which the law provides shall regulate all these fees.

Mr. COX of Ohio. What is your individual judgment? You seem to know a good deal about this.

Mr. LEVER. I do not know what should be charged this company, but I take it the Department of Agriculture, through the Forestry Bureau, is going to charge this company exactly the rate which it charges other companies, namely, 10 cents per horsepower for the first year and an increasing amount of 10 cents per year for 10 years, until the total charge is \$1 per horsepower, based upon the output of the company.

Mr. COX of Ohio. About what would be the fee in this case upon that base?

Mr. LEVER. I have not figured it out, I will say to my friend very candidly, but the company itself has figured it out, and the company says in no case will it amount to more than \$200 or \$300 a year.

Mr. LAFFERTY. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Oregon?

Mr. LEVER. Yes; I yield.

Mr. LAFFERTY. I desire to say that I am not hostile in my questioning, but I want to know this point. Is it the object of the Forest Service in this case to demand that this permit be taken out in order that the Government may get \$75 a year, or is the main object the reserving of the right in the Government to regulate charges for the commodity to be furnished the public? Which is the principal object?

Mr. LEVER. The main purpose in the attitude of the Government in this case is to protect public property against exploitation and to maintain the principle that the Government has a right to regulate and protect public property.

Mr. HAYES. Will the gentleman advise us what public property he refers to?

Mr. LEVER. The public domain—the national forests.

Mr. HAYES. What in this case?

Mr. LEVER. Three thousand eight hundred feet.

Mr. HAYES. I beg your pardon. It is all on private property except a right of way of 80 acres.

Mr. LEVER. I do not know about that.

Mr. HAYES. I do.

Mr. LEVER. And I do not admit it, because the testimony shows that this pipe line will run across 3,800 feet of Government property.

Mr. HAYES. Oh, that is true.

Mr. LEVER. But admitting the gentleman's statement to be true—and I do not care if it is 100 feet, or 200 feet, or 200 miles, it is Government property—this company has no right to come to Congress and ask for special privileges which we refuse to give other companies. [Applause.]

Mr. COOPER. Will the gentleman permit a question?

Mr. LEVER. I will.

Mr. COOPER. This bill would grant a right of way forever, would it not, to this company, without any rental at all, any charges to the Government, or anything to indicate that the Government would control, and could not that company then combine with any other company beyond the power of the Government to interfere at all?

Mr. LEVER. Let me say to my good friend from Wisconsin that if this bill passes, it means that we have set the precedent which turns over to the water-development companies of this country the entire use of the national forests without regulation by the Federal Government and without the payment of the fees for the use of the national forests.

Mr. COOPER. The gentleman has anticipated by his statement the exact question I was going to ask, and now I want to ask one other thing. Is it not a fact that the development of hydroelectric power and the possible combination of hydroelectric powers under one management is a matter of only the last six or eight years?

Mr. LEVER. That is true.

Mr. COOPER. It is a new proposition, and it threatens to be the greatest combination in the control of power that the United States has ever known. Is not that true?

Mr. LEVER. That is true. Let me say to my friend from Wisconsin this—and it is a significant fact—that somehow or other the impression has gone abroad in the country that the "gentleman from South Carolina" is opposed to this bill. I have been deluged absolutely with letters, telegrams, and statements from my own district and State beseeching and begging me to withdraw my opposition to this bill. I hold in my hand now a telegram from South Carolina, 3,500 miles away from where this company is to operate—a telegram of 800 words, at a cost of 50 cents for 10 words, which makes it cost \$40.

Mr. COOPER. Who paid for it?

Mr. LEVER. Who paid for it is the important problem, but here it is. I do not desire to put it into the Record.

Mr. KOPP. Who is it from?

Mr. LEVER. It is from a gentleman not in my district, but a gentleman in my State, 3,500 miles away from the State of California, and it cost him \$40 to send it here. There it is [exhibiting telegram].

Mr. FOSTER of Illinois. It is a good deal of money to spend on a little project that does not amount to much.

Mr. LEVER. You know, it made me feel that there must be something more back of this bill than the \$75 asked to be paid by the Forestry Bureau, or even \$200 as a maximum, estimated by this company as the fee.

Mr. RAKER. Will you give us the names of the men who sent the telegram?

Mr. LEVER. I do not hesitate to do it. The "gentleman from South Carolina" is never afraid to do what he thinks is right.

Mr. RAKER. I am fully satisfied of that.

Mr. LEVER. This was sent to me by F. W. Wagener & Co., of Charleston, S. C., among the biggest wholesale dealers in groceries, and so forth, in the State of South Carolina, and they are as good men as there can be found in the State. My father in his active life did much business with them.

Mr. RAKER. Will the gentleman permit a further question?

Mr. LEVER. I will.

Mr. RAKER. Why has there been over 5,000,000 copies of the statement against this bill sent out, and who has paid for that, and what is the object of it?

Mr. LEVER. In the first place, the "gentleman from South Carolina" does not know that is a fact, and in the second place, if he did know that was a fact he would hardly have information as to who paid for it.

The CHAIRMAN. The time of the gentleman from South Carolina [Mr. LEVER] has expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I move that the time of the gentleman be extended 15 minutes.

Mr. MANN. Mr. Chairman, I yield two minutes more to the gentleman.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield for a question?

Mr. LEVER. I am sorry I can not.

Mr. HUMPHREY of Washington. I would just like to know why the gentleman thinks that is inspired.

The CHAIRMAN. The gentleman from South Carolina is recognized for two minutes more.

Mr. LEVER. Mr. Chairman, I am sorry that I have not had more time in which to go into the details of this proposition. I have permitted gentlemen to take up my time. But I want to close with this statement: That Secretary Wilson, of the Department of Agriculture, on March 5 of this year, writing to the Senate committee in reference to this very bill, protests against its passage. It reads as follows:

MARCH 5, 1912.

The Committee on Public Lands, United States Senate:

GENTLEMEN: Reference is made to Senate bill 5571 for the relief of the Hydro-Electric Co. of California, which you have referred to me for information as to the law and facts in relation thereto and for such suggestions as I desire to offer.

The purpose of this bill is to make the Hydro-Electric Co. an unconditional grant of a right of way over lands of the United States for a pipe line which it desires to use in connection with hydroelectric-power development. The right to occupy the land could be secured under the act of February 15, 1901 (31 Stat., 790), which is the general statute under which rights of way of this nature can be secured. The company, doubtless, does not wish to avail itself of the benefits of the general law, because that merely authorizes a permit in the nature of a license, while the company is seeking by this bill an unconditional easement.

The Department of Agriculture has had considerable difficulty with this company, the nature of which I shall briefly relate.

About two years ago the company commenced the construction of a hydroelectric-power plant on lands adjacent to the Mono National Forest in California. The power house was on private land, but a part of the conduit was to be on land of the United States. Some time before the construction of the conduit reached the boundaries of the Mono National Forest the company was informed by the local forest officers that it would be necessary to secure a permit for the conduit under the act of Congress providing for rights of way over public lands and reservations—that is, the act of February 15, 1901 (31 Stat., 790).

The company took no steps toward obtaining a permit, but it purchased several mining locations for about \$10 each which had been made in such a manner as to cover the land upon which the conduit was to be constructed. It also petitioned the board of supervisors of Mono County, Cal., to declare as a public highway a certain road which the company proposed to construct, the location of which was shown on a map filed with the board of supervisors. The location of the proposed road is identical with the location of the proposed conduit.

Notwithstanding the protest of local forest officers, the company proceeded, without permit, to construct the conduit. Upon the matter being reported to the solicitor for this department it was brought to the attention of the United States attorney for the northern district of California. On his request the United States Circuit Court issued a restraining order preventing further construction and referred the matter to the master in chancery for the court. After a full hearing at which the company was represented by counsel and submitted testimony in its behalf, the master reported and recommended that a temporary injunction should be granted. With reference to the mining locations he said:

"On the question of good faith of these mining locations, I have given the evidence and arguments of counsel the most careful con-

sideration. * * * I am entirely convinced that the great preponderance of evidence shows that they are nothing but paper claims, made with a view of obtaining a right of way for their pipe line across the forest reserve. * * * In my opinion, the seven claims mentioned are not valid mining locations at all."

As to the proposed county road he says:

"It will strike anyone as strange that a county road should be laid exactly following a power pipe line. Among other inconsistencies will be noted that in following that part of the line noted on the map as the pressure pipe line the highway would go straight up a hill at an elevation of approximately 700 feet in about one-half mile. * * * As a matter of common sense it is impossible to conclude that it is, or ever was, intended to build a highway for the county or that the proceedings taken were other than an attempt to gain the right of way against the will of the Government."

A temporary injunction was issued, restraining the company from building or operating the conduit until it had obtained a permit from the Department of Agriculture. The company then applied for a temporary permit, which was granted by me in order that it might not be prevented from completing construction of its plant pending the final adjudication of its case by the court. By its unlawful acts the company is responsible for any delay it incurred in the construction of its conduit. The company was restrained from construction only when it became evident that it intended to construct in defiance of the law. When an application for a permit was finally made one was granted by wire. It was clearly understood that the granting of the permit was contingent on the execution by the company of the usual stipulations required by this department in such cases. These were forwarded for execution. After unreasonable delay trivial objections were made to the execution of the stipulations, and finally the company refused to execute them. Thereupon the temporary permit was revoked. Before this action was taken, however, the conduit had been completed and was in operation.

Subsequent to this time a bill (H. R. 12572), which is identical with S. 5571, was introduced in the House of Representatives. On August 11, 1911, representatives of the company requested me to enter into a stipulation with the company which would allow it to proceed with the operation of its plant pending the determination of its case in the United States court. I referred them to the Attorney General, and understand that such a stipulation was entered into and subsequently filed with the court. The company is now operating its plant under this stipulation.

I think it will be clear from what I have said that the company intended to evade the law, and that when it was prevented by the United States court from doing so it then applied to Congress for relief. This case does not differ in principle from that of any other where a company desires to use the public lands or national forests in the development of hydroelectric power. At the present time there is only one general law—the act of February 15, 1901, heretofore mentioned—under which such a right of way can be acquired, and this law is applicable to the unreserved public lands as well as to national-forest lands. The fact that this conduit is within a national forest does not, therefore, affect the right of the company to obtain a right of way if the way is acquired lawfully.

The Hydro-Electric Co. is endeavoring to secure, by special legislation, a privilege which is not granted to other like users of public lands. It is not a question whether the land over which the conduit passes has any value for forest or other purposes, but whether the Government shall exercise any control over its lands which are valuable for water-power development. The proposed legislation would set a bad precedent, as it would grant, without restriction, the right to use public lands which are valuable for water-power development. In my judgment, this bill is extremely dangerous and should not become a law.

Very respectfully,

JAMES WILSON, Secretary.

I wish to say, further, that the only purpose of this bill is to set a precedent, by which water-power development companies can absolutely override the enactments of Congress—a precedent which will permit the exploitation of public property for private uses. I desire to say that this bill sets a precedent which will break down absolutely the conservation policy of the country; that this bill sets a precedent which would make it impossible for the Federal Government to deal with its own property, except by the way of private bills.

It is apparently a little proposition, involving only \$75 or \$100. It looks small. But I stand here to tell you, gentlemen, that it is one of the biggest propositions that is before the House. If you desire to turn over to the exploitation of the trusts and water-power developing companies and monopolies this great national domain of 300,000,000 acres, which is the property of the people and the heritage of the future, pass this bill, and you will do it. If you want to preserve this domain for posterity, vote down this bill and say to these companies, "You must conform to the law as everybody else is made to conform to it." [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERRIS. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. HAYES].

Mr. HAYES. Can not the gentleman give me more than that? I can not say anything satisfactorily in 10 minutes.

Mr. FERRIS. I will give the gentleman 15 minutes.

The CHAIRMAN. The gentleman from California [Mr. HAYES] is recognized for 15 minutes.

Mr. HAYES. Mr. Chairman, I am as firm a believer in conservation of a reasonable and a proper kind as any man on this floor, and if this were a proposition where a power company or an irrigation company or a mining company were asking to take possession of any considerable portion of the public domain for water-power sites, for reservoir sites, or even for a right of way for a ditch, as a new proposition, I would not be here advocating the passage of this bill.

But that is not the proposition. This proposition is this: This company and their predecessors have owned that reservoir site that is indicated on the map; they have owned the power site in fee indicated on the map; they have owned the entire ditch line in fee, indicated on the map, for over 20 or, perhaps, 30 years, excepting that 80-acre piece of land, and over that they have a right of way—the gentleman from South Carolina says only for mining purposes.

There are three statutes of the United States that cover every phase of water-power or irrigation companies, and there is no question but that this company has a right of way over that 80-acre tract of land for the water and the right to use it not only for mining purposes, but for irrigation purposes and for power purposes or for any other "beneficial use," in the language of the statutes. The law of 1891 supplements that of 1866, which the gentleman cites, and the law of 1905 supplements them both. There is no question about that.

Now, a great deal has been brought into this discussion that does not belong in it. It does not matter what the stipulations of this company and the Government have been, so far as they affect the litigation. That litigation will go on probably to a conclusion. The question of importance here is this: Shall a water-power company, or shall individuals who have in good faith gone in and purchased a reservoir site and paid their money for it and purchased a power site 30 years or more ago and paid their money for it, and purchased a right of way over a tract of land and paid their money for it—shall they be compelled under the arbitrary rulings of the Forest Service, and, as I believe, contrary to the spirit, if not to the letter, of the statutes which Congress has passed, to yield up that property, which has cost them, as I am advised in this case, in the neighborhood of \$350,000, and take a revocable permit from the Forest Service, which means that the property will be valueless?

Mr. LEVER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from South Carolina?

Mr. HAYES. I yield.

Mr. LEVER. Is not the gentleman willing to admit that all the companies which use the national forests under the law are required to pay for the use of the national forests?

Mr. HAYES. Mr. Chairman, I would say, in answer to the gentleman, that if they were using the national forests, if the reservoir site were on a national forest or on Government land, and if the power site were on Government land, and if the right of way for 5 or 6 miles were on Government land, I would say yes. But that is not the case here. These people did not buy from the Government itself. If they had done so, the situation might be somewhat different. They are the owners of their property through several conveyances. They bought their property in good faith, just as a man buys a promissory note in good faith and puts his money in the note. The law protects the innocent purchaser in good faith. That is substantially this case, and the equities which the gentleman referred to do not apply in this case.

Mr. LEVER. Did not this company know at the time they planned their operations that there were laws which compelled them to get a permit and pay a fee for the use of the national forest?

Mr. HAYES. No. I will say to the gentleman that they did not understand it.

Mr. LEVER. Well, they claim to be wide-awake business men.

Mr. HAYES. Yes. I am a business man, and I do not understand it so. Does the gentleman want to say to me that he is in favor of this proposition; that where men have bought land innocently from other men, just as I have bought land from others that in the first instance came from the Government, they must give up their land and get a revocable lease from the Government?

Mr. LEVER. The gentleman from California is aware of the old rule of law that ignorance of the law excuses nobody; and especially is that true when you deal with great big business men. [Applause.]

Mr. HAYES. Mr. Chairman, I yielded to the gentleman for a question. I have not time to yield to him for a speech.

The property of this company is just as much private property as my farm is, and if that 80-acre tract were owned by a private individual the company could, under the laws of the State or under the laws of Congress, get authority to condemn that land and take it, because without that condemnation this very meritorious public improvement could not be carried on. There is no such law as the gentleman refers to that applies to this. If his contention is correct, the owner of the ditch company could not so much as take out a shovelful of dirt and put it up on the bank outside of the ditch without a permit from the Forest

Service, and the present policy is that they would not give that permit unless these men in effect yielded up their property and agreed to take a revocable permit from the Government of the United States, just as though they had received their power site and their reservoir site and their right of way through the Forest Service on Government land. That is not the case here at all. This is not that kind of a case. That is why I wish gentlemen may discriminate between the cases the gentleman is talking about and this case.

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from California yield to the gentleman from Texas?

Mr. HAYES. Yes.

Mr. CALLAWAY. The gentleman's objection to the enactment of present law as it is is that they hold only a revocable permit?

Mr. HAYES. No; that is what the forest officers want them to take out.

Mr. CALLAWAY. You want an irrevocable permit?

Mr. HAYES. No; I want the men who in good faith have gone on—

Mr. CALLAWAY. In this particular case they have a permit from the Government now, and they can get that under the law?

Mr. HAYES. They have a right of way for their ditch line under the law.

Mr. CALLAWAY. Now what you want is an irrevocable permit.

Mr. HAYES. No; I do not care—

Mr. LEVER. What do you want?

Mr. HAYES. I want the law as it is written in the statute books to apply to this case, and not the arbitrary, unreasonable regulations of the Forest Department, never contemplated by the law, never contemplated by the Congress of the United States when they passed it. I want men who put their money in good faith into irrigation projects, into mining projects, into projects where water is used for power—or anything else that is owned wholly or almost wholly in private right—to have the right to use that property for the beneficial use of the people of the surrounding country.

Mr. COX of Ohio. What is the difference between the law and the department regulations?

Mr. HAYES. The difference is that the law contemplates that this right of way shall be given for the purposes indicated, but the department has gone beyond the law, as I think, and has said that everybody who has a private interest in water-power sites or in rights of way or in reservoir sites like this shall be obliged to give up those rights—

Mr. COX of Ohio. Then have they not recourse to the courts? The departmental reservation can not contravene the law.

Mr. HAYES. I do not know what the court will hold, but it will probably take 10 years for this case to be decided by the Supreme Court of the United States.

Mr. LEVER. This case is pending in court now, I will say to my friend from Ohio.

Mr. HAYES. But the fact that they are fighting this in the court does not preclude them from coming to Congress for relief. This seems to be a small proposition, as the gentleman says, the \$75, but that is not the question at all. The question is whether these men shall be compelled to give up their property, for which they have paid their money, and take a revocable permit from the Government for running their water across the valueless 80 acres of land, for that is all that is involved.

Mr. COX of Ohio. Does not the gentleman think the Government can be trusted to treat them fairly?

Mr. HAYES. Frankly, I will say no, not under present conditions. No Government official that was reasonable would ever exact what they try to exact for the right to cross that land. Every statute of the United States that has ever been passed unquestionably intended to give, and does give, them the right to cross this land.

Mr. LEVER. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from South Carolina?

Mr. HAYES. For a question; not for a speech.

Mr. LEVER. Is it a fact that the company is not concerned with the \$75 fee involved in this case, but that the company desires to get an irrevocable permit contrary to law, as a special favor?

Mr. HAYES. I deny the gentleman's statement. Their desire is not contrary to law at all. It is contrary to nothing except injustice.

Mr. ALEXANDER. Will the gentleman yield?

Mr. HAYES. Yes.

Mr. ALEXANDER. Is there anything inequitable in their getting an irrevocable permit?

Mr. HAYES. The permit will be under the general law, and the law of course may be repealed. There might be a question whether the repeal of the laws would revoke the permit; there might be some question whether vested rights would not come in.

Mr. ALEXANDER. As I understand, this is simply to give them the right to run their pipe line across this property?

Mr. HAYES. Yes.

Mr. ALEXANDER. That right makes their present plant valuable to them?

Mr. HAYES. And without it it is worthless.

Mr. ALEXANDER. Hence they do not want a permit which may be revoked at any time by the whim of the department?

Mr. HAYES. That is it exactly. That is all there is in this.

Mr. LEVER. Not by the whim of the department, but by the regulations.

Mr. ALEXANDER. No; by the whim.

Mr. HAYES. That is the correct word to describe it.

Mr. BURKE of Pennsylvania. Will the gentleman yield?

Mr. HAYES. Yes.

Mr. BURKE of Pennsylvania. What is the issue involved in the court proceedings?

Mr. HAYES. The issue is whether these people have the right to replace their open ditch line across this particular 80 acres of land under the law, without any stipulation or permit, with a covered pipe line. They have, in fact, crossed it. Their pipe line is there and in operation, and the plant is in operation. The question is whether they shall have a right under the law to improve their property by substituting a covered pipe line for the open ditch across there and to operate it, or must they yield up all the rights that they have paid for and take in return a revocable permit from the Forest Service.

Mr. BURKE of Pennsylvania. What is the nature of that proceeding?

Mr. HAYES. It is an action for a permanent injunction.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. HAYES. Yes.

Mr. BURKE of South Dakota. Was this 80 acres of land within the forest reservation at the time this pipe line was put across it?

Mr. HAYES. It was at the time this pipe line was put across it, yes; but not when the ditch was put across it. It has been recently taken into the forest reserve, and I will state to the gentleman from South Dakota that excepting some sagebrush there is not a tree within 10 miles of that 80 acres of land, and never can be. It is simply desert land.

Mr. SAUNDERS. Will the gentleman yield for a question?

Mr. HAYES. Yes.

Mr. SAUNDERS. Is this company developing energy now by the use of an open ditch?

Mr. HAYES. They have been doing it until recently. They replaced the open ditch with a covered pipe line.

Mr. SAUNDERS. The covered pipe line simply renders their property more valuable than the open ditch did.

Mr. HAYES. Yes; and it enables them to meet more fully the demands of the people of that section for water and water power for various uses.

Mr. SAUNDERS. In order to make their property more valuable they must get this concession from the United States?

Mr. HAYES. Perhaps it will not make it much more valuable, but it will make it more largely useful.

Mr. SAUNDERS. I asked the question whether it would make their property more valuable, and I understood the gentleman to say that it would.

Mr. HAYES. It will certainly be more valuable in this, that the water will not break out of the ditch in going around that particular point.

Mr. SAUNDERS. So that this concession which they desire from the United States is something of substantial value?

Mr. HAYES. As far as paying whatever price the United States fixes for crossing that 80 acres of land, there is no question about that.

Mr. SAUNDERS. The question I asked is whether the right which is sought from the United States Government, to carry the pipe line across Government land, will be something of substantial value to this company?

Mr. HAYES. It will be of more value than the open ditch which they paid for.

Mr. SAUNDERS. I see in these hearings certain stipulations that were submitted to this company. Will the gentleman tell the committee in the course of his remarks what objection there

is to these stipulations? They seem to me to be essentially reasonable.

Mr. HAYES. There is no objection to them, but they are not involved in this proposition at all. Anybody who brings them here does it for the purpose of prejudicing the case, because they are not involved.

Mr. SAUNDERS. Why? I see that they were submitted to the company.

Mr. LENROOT. Will the gentleman yield?

Mr. HAYES. Yes.

Mr. LENROOT. Does the gentleman contend that this company has ever operated that open ditch?

Mr. HAYES. I contend that it has been operated for many, many years.

Mr. LENROOT. By this company?

Mr. HAYES. Perhaps not by this company, but by its predecessors.

Mr. LENROOT. Does not the gentleman know that it was abandoned for 10 years before this company began to operate it?

Mr. HAYES. It was used for irrigation only. But the company bought the ditch line; they bought the reservoir site and the power site. I want to say to the gentleman that I know the local situation here and the men who have put their money into this project, and there is no possibility of any monopoly or any combination with any other ditch or power company.

Mr. Chairman, I want to reiterate that the only question in this case is this: Whether or not a company or an individual who owns in fee its own power site, its own reservoir site, its own ditch line, with the exception of a very small piece of ground, shall be, under the law or under the regulations of the Department of Agriculture, obliged to give it all up and in lieu of that property for which it has paid its money take out a revocable permit, revocable at any time, at the whim of the forestry official who happens to be in charge of that service? That is the question. I believe thoroughly in conservation but not in confiscation by the Government or anyone else.

Mr. MANN. Mr. Chairman, I yield 50 minutes to the gentleman from Iowa [Mr. PICKETT].

Mr. PICKETT. Mr. Chairman, it is well at the outset to clarify the issue presented by this bill. Those who are opposed to the measure concede that the intrinsic value of the land over which the pipe lines of the Hydro-Electric Co. pass is of little, if any, value. Its value is insignificant as compared to the other issues involved. Briefly stated, the important issue presented is whether the Federal Government shall control the public domain, whether it will carry into effect or repeal the statutes heretofore enacted with the view of controlling and regulating the corporations which have secured or are securing the great water-power privileges of the West, so as to prevent a monopoly as to their use, or turn them over, as in the years past, without any restriction whatever. In brief, whether we shall stand firm upon the ground we have already secured or move backward to where we were a few years ago. There is another issue involved, and that is whether we will approve of defiance of the constituted authorities of our Government. I will undertake to prove to the satisfaction of this House, not by mere verbal assertions, as do my distinguished friends from California, but from the record, that no one can vote for this bill without approving of defiance of the constituted authorities for the enforcement of the laws which Congress has itself enacted.

The gentleman from California [Mr. HAYES], who just took his seat, made a remarkable assertion in response to an interrogatory propounded by the gentleman from South Carolina [Mr. LEVER] when he said that the Hydro-Electric Co. did not understand that it was necessary to secure a permit before crossing the Government land in question. Let me direct your attention to the record on that phase of the question.

In November, 1909, and before the company had reached the Government land, it was notified by the officers of the Government that it would be necessary for the company to secure a permit before entering upon Government land. On May 25, 1910, the company was again notified that it would be necessary to secure a permit. On June 10, 1910—and, mark you, this is before they entered upon the land—they were again notified that it would be necessary to secure a permit. Later on further notices were given the company. In order that there may be no misunderstanding as to the character of the notices or that the company was fully advised of the position taken by the Government, I will quote from one of the written notices served upon the company, as follows:

While it may be possible that the right of way which you desire to follow over this tract is covered by mining claims, you certainly know that such fact would give you no right whatever to use the land for

purposes other than that for which it has been located. To be clear, you can not make a mineral location with the intention of using the land in conveying water across it.

In other words, Mr. Chairman, when the gentleman from California [Mr. HAYES] asserted that the company did not understand the law, or they did not understand the rules or the regulations of the department, he was absolutely ignoring the record.

Mr. HAYES. Mr. Chairman, will the gentleman yield?

Mr. PICKETT. Certainly.

Mr. HAYES. Does the gentleman know that the question of whether that is the law or not is now in litigation in the courts?

Mr. PICKETT. Yes; but the gentleman stated that the company did not understand it would be necessary to obtain a permit.

Mr. HAYES. I say so now. I do not believe it is.

Mr. PICKETT. They did understand the position which the Government took in the matter.

Mr. HAYES. They did not when they began to lay their pipe line.

Mr. PICKETT. On July 13 they were again served with a written notice, from which I will quote, as follows:

District forester says construction work must not proceed over Government land on your power project without first securing regular permit. Temporary permit can not be issued. These instructions are in effect and must be observed. Am sending you papers preliminary to permit. Please acknowledge receipt of wire.

So that it appears indisputably from the record that repeated notices were given by the Government to the company that it would be necessary to obtain a permit from the Government before entering upon the occupancy of the land in controversy.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. PICKETT. Yes.

Mr. BURKE of South Dakota. I understood that the Government had given an easement over this land at some time before the forest reservation was created, and I would like the gentleman to state what the facts are in that regard.

Mr. PICKETT. There was an old ditch that had been there for some 20 years or more, maintained, I am informed, for irrigation purposes. It had, however, been abandoned and not in use for practically 10 years prior to the time in question. I will also say to the gentleman that the representatives of the Hydro-Electric Co. make no claim, or rather did not in the hearings of the committee, to their right to cross the land predicated upon this alleged easement. The whole contention of the Hydro-Electric Co. is based upon their so-called mining claims.

Notwithstanding the repeated notices given by the Government, the Hydro-Electric Co. proceeded in its occupancy of the land. The company did this, as the record discloses, after being fully advised of the position taken by the Government, through the repeated notices stated, and acting upon the advice of its attorneys.

On August 13, 1910, one of the field agents of the Bureau of Forestry discovered that the company had, in defiance of the notices served upon it, entered upon the Government land and had laid a certain amount of its pipe lines across it. This information was conveyed to the department at Washington, and directions given to district attorney in California to apply for a temporary injunction. The temporary injunction was issued on August 10, 1910. On September 12 the defendant appeared in court and filed a motion to modify the injunction. Arguments were submitted, and the motion was overruled by the court. On September 14 the case was argued upon the legal points, and testimony submitted before the master in chancery, to whom it had been referred. The arguments consumed three days. The case was taken under advisement, and on October 14 the master's report was filed. I shall not consume time by reading the entire report, but will quote a paragraph therefrom which contains the gist of the decision, as follows:

On the question of good faith of these mining locations I have given the evidence and the arguments of counsel the most careful consideration. Giving every possible effect to the possibility that the Goleta vein may continue into these claims and with cheap power can be worked to profit, and reasoning therefrom that it may therefore be considered the intention of the respondent to locate and hold these claims as mining claims, I am entirely convinced that the great preponderance of evidence shows that they are nothing but paper locations, made with a view to obtain a right of way for their pipe line across the forest reserve. The matter must be looked at from the standpoint of common sense and by evidence presented by respondents' actions rather than by their words.

I will further state, Mr. Chairman, in corroboration of the decision of the master in chancery, that there is not in the document embodying all the correspondence and other data a single sentence which tends to negative the findings of the master or to show that the company intended to use the land for mining purposes.

If I am incorrect in this statement, I challenge anyone to point it out in the record. I repeat there is no evidence to this effect, and yet gentlemen stand here on the floor of this House and by mere assertion seek to question the findings of the master in chancery.

Mr. LAFFERTY. Mr. Chairman, will the gentleman yield for a question?

Mr. PICKETT. Certainly.

Mr. LAFFERTY. As I understand from the gentleman's argument, this Hydro-Electric Co. claimed an easement for an open ditch, and the Hydro-Electric Co. wanted to change the open ditch to a pipe line and fraudulently caused mineral locations to be made. Is that the gentleman's contention?

Mr. PICKETT. It acquired these mineral claims, which the master in chancery found were fraudulent.

Mr. LAFFERTY. I have to vote on this bill, and I want to get some information. The point I want to know is this: Is it conceded by the Forestry Department that the Hydro-Electric Co., by virtue of its purchase, did have an easement for an open ditch before it filed these alleged fraudulent mining claims?

Mr. PICKETT. The attorneys for the company, when they appeared before the committee, based their entire contention upon these mining claims.

Mr. HAYES. Mr. Chairman, will the gentleman tell us whether there is any evidence in the record of the fraudulent character of those claims?

Mr. PICKETT. If the gentleman will read the report of the master in chancery—

Mr. HAYES. I am not referring to the report, but to the evidence which was before the master.

Mr. PICKETT. I am referring to the report of the master in chancery—the judicial finding of what the evidence established.

Mr. HAYES. I have the whole record of the evidence.

Mr. PICKETT. Then, why does not the gentleman produce it?

Mr. HAYES. I will say that there was not a particle of evidence submitted to the master upon that subject that could properly be held to show that these claims were fraudulent.

Mr. LEVER. Is it not a fact that these claims were bought for four or five dollars a claim, and is not that one of the reasons they are regarded as fraudulent?

Mr. PICKETT. That is admitted.

Mr. HAYES. Does the gentleman think that the simple fact that two or three claims are taken up, parallel, is evidence of fraud in mining locations?

Mr. PICKETT. I am not telling the gentleman what I think. I am stating the findings of the master in chancery. He found that there was no evidence in the record to show that they had any intention of using the mining claims within the contemplation of the mining laws.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. PICKETT. Certainly.

Mr. MANN. If it turns out that these mining claims are valid mining claims, then the Government puts the company to no onerous restriction.

Mr. PICKETT. That is correct.

Mr. MANN. Because they will have acquired title to the property.

Mr. PICKETT. Absolutely.

Mr. MANN. And they will no longer be under stipulation.

Mr. PICKETT. Certainly not.

Mr. MANN. If it turns out that the mining claims are illegal because they are fraudulent, then is the company entitled to any favorable consideration from Congress?

Mr. PICKETT. The company then will be entitled to the consideration which the department gives to every similar company under similar circumstances.

Mr. MANN. I say from Congress.

Mr. PICKETT. No; not from Congress. None whatever.

Mr. MADDEN. Would it be entitled to any consideration from Congress if these claims are fraudulent?

Mr. PICKETT. In my judgment, no.

Mr. LAFFERTY. If the gentleman will permit, it seems that this old open ditch has been used there for 30 years. When were these mineral applications made?

Mr. PICKETT. It had been abandoned for 10 years. These mineral locations were made in 1910.

Mr. BURKE of South Dakota. If I understand the gentleman correctly, his contention is that before the master they only asserted their rights under these mineral and mining filings?

Mr. PICKETT. That is as I understand it, at least before the committee.

On November 17 the court issued an order continuing the temporary injunction. During all of this time negotiations were being conducted between the representatives of the company and of the Government; and I will further add that the

Government has gone to the limit of fairness in dealing with this company.

On November 14 the Washington office wired the district forester in California to prepare a draft of temporary permit between the company and the department and forward to Washington. The telegram further stated, and I quote it for the purpose of showing the fairness of the department:

If you believe the delay of mails will materially prejudice company, send essential parts of draft, including description of land, by night wire. Temporary permit will then be prepared here, and when signed will wire you to let construction proceed.

This certainly shows a spirit of fairness on the part of the department. A tentative draft was prepared, which was signed by the company and forwarded to Washington for approval.

Mr. MADDEN. And, as a matter of fact, it was no agreement until it was approved.

Mr. PICKETT. That is precisely what I am getting at. I have in my hand here a copy thereof, and I call your attention to the clause prepared in blank for the signature of the Agricultural Department, as follows:

Approved this — day of —, 1910, and permission granted, subject to the conditions hereinbefore named.

Secretary of Agriculture.

It was simply a proposed agreement, not operative until signed by both parties, and therefore no rights were acquired under it. In this connection I will refer to the statement of the company's attorney, Mr. Lane.

But I will pause at this time to make an observation with reference to the statement made by the gentleman from California [Mr. RAKER]. It is true that the report from the committee bears on its face the statement that it is a unanimous report, and it may be true that at the time the report was ordered by the committee no one present entered an objection. This, however, does not justify the statement made by the gentleman from California [Mr. RAKER]. I quote as follows:

That is the unanimous report handed to me by the clerk of the Committee on the Public Lands, and after that I made out the report, took it back to the committee and read it—read the report that they were going to file in the House and in the committee—and not one living man said or made objection to it.

And I also quote from the opening of his remarks, as follows:

Until the morning of January 5, when this bill was originally called up, there seemed to be no objection whatever to it. Objection was then made to its consideration because it was on the Private Calendar.

We had hearings on this bill in August, 1911, and no one can read the hearings themselves, without any reference to the discussion that took place in the committee after the hearings were concluded, and say that there was no objection to this bill. The examination of the representatives of the company and my expressions on the subject, which appear in connection therewith, disclose my view at that time. Furthermore, after the hearings were concluded and the matter was informally discussed by the committee, I at least had the understanding that the bill would not be further considered.

I have been informed that others of the committee had the same understanding. This is supported by the fact that the committee took the affirmative action of appointing a subcommittee for the purpose of seeing whether a stipulation could be secured so that the matter would remain in status quo pending the litigation.

When I returned to Washington in December I had not fully recovered from a recent illness and was unable to attend one of the meetings of the committee, which happened to be the meeting on December 19 when this bill was reported. However, after the bill was reported and my attention called to it I stated to the committee that I was opposed to the measure and reserved the right to oppose it upon the floor. The gentleman from California [Mr. RAKER] was present at the time, and if he had been entirely frank would have stated this fact affirmatively to the House. It recalls to my mind the old adage of Benjamin Franklin that "half the truth is often a great lie."

Now, then, getting back to Mr. Lane.

Mr. KENDALL. Will my colleague yield?

Mr. PICKETT. With pleasure.

Mr. KENDALL. Was there a subcommittee appointed to negotiate the stipulation between the department and the Hydro-Electric Co. by the committee?

Mr. PICKETT. No formal action was taken by the committee. The matter was informally discussed, and three members, as I recall it, were selected to see the department with the view of ascertaining whether an arrangement could be secured whereby, as I have heretofore suggested, the company would not be disturbed in its use of the land pending the final adjudication of the case between the Government and the company.

There was nothing in the original bill which indicated the controversy or litigation between the Government and the company. When these facts developed on the hearings and when

Mr. Lane, the attorney for the company, and Judge RAKER, the author of the bill, both stated that all the company desired was not to be disturbed until the case was finally decided in the courts, it was thought that a stipulation of that kind might be secured and a subcommittee was appointed for that purpose.

The gentleman from California [Mr. RAKER] had not heard of this stipulation when I questioned him in regard to it during his remarks, but later when extending and revising his remarks in the RECORD stated therein that he had knowledge of it as early as last September, but that the matter had escaped his mind when questioned during the heat of debate.

I will now return to the first alleged permit—the tentative draft submitted to the department for approval, but which was never signed—and also to the statements of Mr. Lane in respect to it. I will quote from the hearings before the committee as follows (Hearings, p. 17):

Mr. PICKETT. After the injunction was granted was any further work done on the part of your company?

Mr. LANE. Yes; but it was done under a temporary arrangement which we made with the Agricultural Department.

Mr. PICKETT. Did you make an arrangement with the Agricultural Department to proceed with the work after the temporary injunction was granted?

Mr. LANE. That is true.

Mr. PICKETT. On what page is that set forth?

Mr. LANE. The arrangement made is set forth on pages 65 and 66.

I call your attention to the direct question I propounded to Mr. Lane.

Did you make an arrangement with the Agricultural Department to proceed with the work after the temporary injunction was granted?

The question could not have been stated more directly, and it was propounded for the very purpose of ascertaining whether any arrangement had been effected between the company and the department after the temporary injunction was granted. And now note the answer which Mr. Lane made to that question, as follows: "That is true."

There is nothing equivocal about this answer. It is a direct and simple statement that an arrangement had been effected under which they could proceed with their work.

It will be observed that he further states that the arrangement which was made is set forth on pages 65 and 66, referring to House Document No. 1425, Sixty-first Congress, third session. This so-called arrangement is the tentative draft of permit to which I have already called attention, and which was not signed by the Secretary of Agriculture and was not and could not be operative until it was so signed. Notwithstanding this, Lane claimed at the outset that an arrangement was made, as his quoted statement clearly shows. In the further examination of Mr. Lane he admitted that the arrangement never became operative. I read as follows from the hearings:

Mr. PICKETT. So that arrangement never became effective?

Mr. LANE. No; it did not become effective, except that they permitted us to go ahead and finish the work.

Mr. PICKETT. Where is the agreement whereby the department consented to that?

Mr. LANE. That was done by telegram.

Mr. PICKETT. Is the correspondence referred to in this document?

Mr. LANE. The correspondence is here; I do not know what the page is.

Mr. PICKETT. What is the substance of it?

Mr. LANE. The substance was that we could go ahead. It is on page 61, at the bottom of page 61 and the top of page 62. It is just a permit to go ahead.

Mr. PICKETT. That gives you a revocable permit?

Mr. LANE. Yes; and which was subsequently revoked after the trouble came up.

Mr. PICKETT. Now, what were the grounds claimed by the Secretary of Agriculture for the subsequent revocation?

Mr. LANE. Because he said that this agreement, shown on pages 65 and 66, which we had executed, was not satisfactory. He prescribed a new agreement, which is shown on pages 59 to 61, inclusive.

Mr. PICKETT. And you did not consent to that proposition?

Mr. LANE. No, sir.

I have set forth this testimony not only for the purpose of showing that Mr. Lane was incorrect in his original statement, but also for its application to the temporary permit to which I will now refer. After refusing to approve of the form of permit submitted to which I have above referred, and still desirous not to interfere with the construction work of the company, the department prepared a new stipulation, which it thought would be satisfactory to the company, while at the same time conforming to the general rules and regulations of the department, wired the district forester that permit had been issued and that stipulation would follow for execution by the company. This was followed with a letter stating as follows:

I inclose for transmission for permittee the temporary permit and the draft of stipulations to be executed by it.

By an oversight the stipulations were not inclosed in the letter of transmittal. However, a copy of the stipulations was given to the attorney of the Hydro-Electric Co. in Washington, Mr. Pierce, who at once transmitted the stipulations to Mr. Lane in San Francisco. I want you to mark this statement that the stipulations were as a matter of fact given, on the

same day the letter was sent, to the attorney for the company here in Washington, who transmitted them to Mr. Lane, the attorney for the company, in San Francisco.

Mr. Lane has been here advocating this bill before the committee, and those who are supporting it are asking for what they term equitable relief on the part of Congress. Ordinarily he who seeks equity should, under the old familiar rule, come into court with clean hands. And now I direct your attention to the statement of Mr. Lane. [Quoting from page 23 of hearings:]

Having signed this permit shown at the bottom of page 61, and they having telegraphed us to that effect, in the course of the mail—in fact, it was 30 days later—they came to us with this stipulation, or rather this stipulation you see there—this elaborate one which we objected to—was sent to us for us to sign.

You will notice that he here states that it was 30 days after the permit was received before the receipt of the stipulations, when, as I have stated, a copy of the stipulations was delivered to Mr. Pierce, the company's attorney in Washington, at the time the letter of transmission was sent, and that he [Mr. Pierce] promptly transmitted the stipulations to Mr. Lane in San Francisco, so that the company, through its attorney, had the stipulations in its possession with the knowledge that it would not execute them and proceeded with its construction work.

There is another important fact right in this connection. The restraining order which was issued by the court was conditioned upon the failure of the company to secure a permit from the Government. They took the permit and the stipulations, which, they state, they could not approve, and proceeded with the construction work across the Government property.

Mr. GREEN of Iowa. In violation of the injunction?

Mr. PICKETT. Certainly it was in violation of the injunction. That is the very point in the matter, for, knowing they could not approve of the stipulations, it was their duty to return them to the department and acting in good faith with the department and in compliance with the order of the court, cease construction work until they had reached an agreement.

It seems to me, Mr. Chairman, that this is a good time to establish a precedent that those who come here seeking relief from Congress must have a record of good faith behind them. [Applause.]

I now pass to another branch of the case. When the facts were disclosed at the hearings with reference to the long-pending controversy between the Hydro-Electric Co. and the Department of Agriculture, and also the litigation in the courts, which had then been pending for practically a year, it certainly seemed quite remarkable that they should ask Congress for relief, in brief, to pass a law taking the matter out of the hands of the department and settling the litigation pending in the courts. During the hearings Mr. Lane stated that they based their rights on their so-called mining claims, and that they were willing to stand upon the validity of the mining claims as determined by the court. It was further stated that all they desired was that the company be not disturbed pending the litigation. I quote from Mr. Lane as follows (Hearings, p. 12):

This bill grants a permanent right of way as long as the beneficial use of it is made; but the main thing is merely this: The company wants to know, because it has capital invested—wants to make sure that it will run until the law is decided, because when the law is decided we certainly intend to obey.

And again he says (Hearings, p. 9):

Now, then, what we are asking is this: We do not want to be given any legal right any more than is absolutely necessary to keep this project running, but we don't want to shut down our project on a temporary injunction. We are perfectly willing to do everything that is there, and we don't care how the court finally decides the case, just so as we can keep going until the court does decide (if it reaches that conclusion) that we have no legal right, and we are willing to give bond pending that decision.

The gentleman from California [Mr. RAKER], the author of this bill, expressed the same view. I quote from the hearings:

The CHAIRMAN. Why would not the issue of a permit pending this litigation be satisfactory?

Mr. RAKER. It would.

So that, I repeat, all they asked at the conclusion of the hearings was that some arrangement could be effected whereby the company would not be disturbed until the court had finally decided the case, and now, after securing such stipulation, they are here pressing this bill.

Our friends from California and the West have a very peculiar view of the relation of the Government to its public domain. Here is a statement by my good and genial friend from California, Judge RAKER, and I quote it simply for the purpose of showing the general attitude of the West upon these matters:

Mr. RAKER. And we concede and assume, so far as this committee is concerned, that irrespective of the title to the land, and irrespective of the holding of the court conceding they have got the property in violation of the mining law—

Mark the words—

conceding they have got the property in violation of the mining law, that we are not now criticizing the department and these people, but we simply want the right to run a pipe line across this 3,800 feet of desert land.

The CHAIRMAN. Even though the courts may find that the claim is fraudulent?

Mr. RAKER. Exactly.

The CHAIRMAN. Conceding that it is fraudulent, you think this legislation ought to be enacted, and a right of way granted?

Mr. RAKER. That is our position.

Gentlemen, I was astounded that a member of the committee, a Member of this high legislative body, would say that notwithstanding this company had fraudulently attempted to enter upon the public domain, notwithstanding it had defied the authority of the Government, nevertheless he would urge the passage of this legislation.

Mr. RAKER. Mr. Chairman, will the gentleman yield right there?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from California?

Mr. PICKETT. Certainly; with pleasure.

Mr. RAKER. I am sure the gentleman does not want to misrepresent the facts. He does not want to put false words in my mouth, does he?

Mr. PICKETT. No; I am reading from the Hearings, page 14.

Mr. RAKER. Is it not a fact that the record shows that the corporation bought their property from three individuals, and before any notice or litigation was involved in this matter, and that my statement was in relation to the mining claims; that if the court should hold that the original locators had violated the law, which I do not concede to-day, notwithstanding that they would deprive the company of their rights? That is, this company had the right of way for its ditch across the mining land, and any subsequent title would not affect it, and whatever the title to the mining claims might be, its title to a right of way across this particular tract of land was held under the act of 1866 and subsequent acts of Congress for over 30 years, and any subsequent owner of this land would take it subject to its prior right; the Government would be in the same position, for it made the grant over its land by the acts of Congress. I simply made it as a supposition.

The master held they were "paper claims," but this does not settle the question by any means. The record clearly shows that the mining claims are valid. But this validity or non-validity would not affect the company's prior right of way for its water ditch across this particular tract covered by their mining claims marked in blue on the map now before the House. They want to change from an open ditch to a closed pipe line.

This litigation now pending in the United States Circuit Court of California and the delay incident thereto brought them to Congress asking for a grant of an easement. This would settle the matter. Will the gentleman read my statement again?

Mr. PICKETT. I will read it over again for the gentleman's satisfaction:

Mr. RAKER. And we concede and assume, so far as this committee is concerned, that irrespective of the title to the land, and irrespective of the holding of the court—conceding they have got the property in violation of the mining law—that we are not now criticizing the department and these people, but we simply want the right to run a pipe line across this 380 feet of desert land.

Mr. RAKER. Right there, Mr. Chairman—

Mr. PICKETT. Let me finish reading the gentleman's statement. It goes on:

The CHAIRMAN. Even though the court may find that the claim is fraudulent?

Mr. RAKER. Exactly.

The CHAIRMAN. Conceding that it is fraudulent, you think this legislation ought to be enacted, and a right of way granted?

Mr. RAKER. That is our position.

Mr. Chairman, I am simply using the words that the gentleman from California used, as the record states them. It may be that the reporter did not take them down correctly. I hope he did not take them correctly. I am not putting into the gentleman's mouth any words that the record shows he did not say. I am simply quoting the words shown in the record.

I repeat that is a most remarkable statement, that even if the court should hold the claims were fraudulent and in violation of the law, the gentleman would still stand before the committee and the House and urge this legislation. If the gentleman can take any consolation out of that, he is welcome to it.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Texas?

Mr. PICKETT. I do.

Mr. STEPHENS of Texas. I would like to ask the gentleman if he believes, when a man concedes for the purpose of argu-

ment that a point is well made, that he should be held to that concession?

Mr. PICKETT. This was not an argument. It was a statement before the committee of those responsible for the measure. It was a hearing on the bill introduced by the gentleman himself.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Iowa yield again to the gentleman from California?

Mr. PICKETT. Certainly.

Mr. RAKER. The gentleman has stated what occurred before the committee, and he has stated his position. Is it not a fact that all that occurred was in what the gentleman read to-day? Was it not taken down by the reporter in the first hearing?

Mr. PICKETT. All that occurred during the examination before the committee.

Mr. RAKER. Has the gentleman read all that occurred before the committee?

Mr. PICKETT. After the hearing was completed, and after Mr. Lane left the room, we then took up informally the question of what disposition would be made of the bill, and that of course would not appear in the printed proceedings.

Mr. RAKER. Is it not a fact that nothing was discussed as to the final disposition of the bill until after an objection was made and an article—a circular—was sent to each Member of Congress? And did not I come before the committee when the gentleman from Iowa was present at the next meeting and demand that the committee bring every man who had any knowledge before the committee and reopen the hearings, and have a full and complete hearing? And did not the gentleman say it was not necessary?

Mr. PICKETT. Certainly it was unnecessary. As far as I am concerned, we have had hearings enough. I am willing to submit the case upon the hearings we have had. I am confining myself entirely to the record or hearings.

Mr. RAKER. So am I; but I do not want the gentleman, when we had the hearings before the committee, to have made no objection and then, when some outsider makes objection, come upon the floor of the House and say he did not have an opportunity to register his objection.

Mr. PICKETT. I want to say to the gentleman that he is not stating the facts.

Mr. RAKER. I am stating the facts, and the gentleman knows that the proceedings in regard to the matter are of record.

Mr. PICKETT. I am willing for the Members of this House to read the hearings. Some of them have already called attention to the fact of my opposition as disclosed by the hearings. You can not read the examination of Mr. Lane and the questions I propounded to him—any fair-minded man can not read it without discovering that I was opposed to the bill last summer. I will submit that question to the Members who have read the hearings. And, furthermore, the gentleman knows what I stated when he came to me. I said to him, "I do not care to have the matter opened up again for further hearings. We have had hearings enough. All I desire is to reserve the right to oppose the measure on the floor."

Mr. RAKER. The only thing I am asking is this: I want the gentleman to be as frank before this committee as he was before the Committee on the Public Lands, and I do not want him to try to accuse some member of the committee in regard to the matter when a full opportunity was given for hearing; that is all.

Mr. PICKETT. There is no complaint about not having ample hearings. I do not think if we had hearings for weeks it would disclose any more material facts than were developed in these hearings. There is no doubt about that. We have sufficient facts before us.

Mr. BURKE of Pennsylvania. The question of the unanimity of this committee seems to be at issue. Will the gentleman state whether or not there are any other members of the committee who are either objecting or reserving the right to object to the passage of this bill?

Mr. PICKETT. I have heard some of them state that they would not vote for it.

Mr. BURKE of Pennsylvania. Then the gentleman does question the unanimity of this report—that is, so far as representing the individual opinions of the members of the committee?

Mr. PICKETT. I simply state what some of the Members have said to me, whether they were present at the time the bill was reported I would not say, but I will add that I make no suggestion that the bill was called up on the theory that certain Members were absent at the time. I raise no question that the gentleman from California [Mr. RAKER] acted in good faith, so far as calling up the bill was concerned.

Mr. RAKER. Will the gentleman yield?

Mr. PICKETT. Certainly.

Mr. RAKER. Is it not a fact that the gentleman from California did not call up the bill at all, but that it was called up by the chairman of the committee?

Mr. PICKETT. I do not know, and it is wholly immaterial.

Mr. RAKER. Is it not a fact that a motion was made by another Member, not myself, and seconded by another Member? I hold in my hand the original bill, with the original annotations by the clerk of the Committee on Public Lands, which says that it was unanimously adopted, and that I was then ordered to prepare the report.

Mr. PICKETT. I have raised no question about that.

Mr. RAKER. That is shown in the handwriting of the clerk.

Mr. PICKETT. The record states it was unanimously adopted by those who were present at the time. Nobody disputes that.

This will be a good place to quote again from the record, this time with the view of more fully disclosing the attitude of the Hydro-Electric Co., and incidentally to show my attitude at the time of the hearings last summer:

Mr. PICKETT. Now, then, you commenced the construction, and commenced to lay your pipes across this 160 acres?

Mr. LANE. Across the mining claim; yes.

Mr. PICKETT. And after you had proceeded some 400 feet or 800 feet—

Mr. LANE. I don't remember now.

Mr. PICKETT. After you had proceeded a short distance—

Mr. LANE. I think they had the pipe laid for 100 feet.

Mr. PICKETT. (continuing). The representative of the Government notified you not to proceed any farther until you had complied with the rules and regulations of the department?

Mr. LANE. He came out and stopped the work and threatened to arrest the men.

Mr. PICKETT. You had advised your client to proceed in any event? Mr. LANE. I advised them to submit to arrest, and as fast as these men were bailed out to put them back to work and go on.

Mr. PICKETT. In other words, you asserted your rights in opposition to the claim of the representative of the Government?

Mr. LANE. We asked this—

Mr. RAKER. Just answer the question.

Mr. LANE. That is true, but—

Mr. PICKETT. Wait a minute. So that, as I say, after the Government had notified you not to proceed, and what they claimed to be the law, and without obtaining a permit in pursuance of the rules and regulations of the department for crossing Government lands within a forest reserve, you advised your client to proceed?

Mr. LANE. I did.

It is here seen that notwithstanding the repeated notices served upon the company by the Government that the company was determined to enter upon the land in question in defiance of the Government authority, and even to the point of giving directions to put the men back to work as fast as they were bailed out if arrested.

Mr. BURKE of Pennsylvania. Who was Mr. Lane?

Mr. PICKETT. He was the attorney of the company.

Briefly summarizing this branch of the case, I assert that the following facts are clearly established; the land in question was within a national forest reserve over which the Department of Agriculture had jurisdiction; that after the company had commenced the construction of its pipe lines and before it reached the Government land it was notified by the Government that it would be necessary to obtain a permit before entering thereon. I refer to the notice in November, 1909. That after the company acquired the mining claims further notices were served by the Government questioning the validity of the mining claims and forbidding the company to enter upon the public domain. That after the temporary injunction had been granted, conditioned upon receiving a permit, the company proceeded with its construction work without a valid stipulation, doing so, as the company's attorney stated, under the proposed draft which was never signed by the Secretary. That when the department issued a temporary permit, accompanying the same with stipulations to be signed by the company, they held the stipulations, knowing at the time they would not sign them and proceeded with the work. The findings of the master in chancery that these mining claims are fraudulent at least should raise a presumption as to their fraudulent character so far as Congress is concerned.

And now after being in open controversy with the executive branch of the Government, and with litigation pending in the judicial branch of the Government, they come before the legislative branch on the specious pretext of equitable relief. Great heavens, I would like to know where they find their definition of "equitable relief." [Applause and laughter.]

Mr. BURKE of Pennsylvania. Will the gentleman yield?

Mr. PICKETT. Yes.

Mr. BURKE of Pennsylvania. This matter has been in litigation for 19 months?

Mr. PICKETT. Yes.

Mr. BURKE of Pennsylvania. The last affirmative action taken by the court was on November 17, at which time the injunction was made permanent.

Mr. PICKETT. The injunction was applied for in August, a temporary order granted August 10, and it was continued on November 17.

Mr. BURKE of Pennsylvania. With the one qualification—Mr. PICKETT. Depending, of course, on a permit from the Government.

Mr. BURKE of Pennsylvania. What has taken place since then?

Mr. PICKETT. As far as the litigation is concerned?

Mr. BURKE of Pennsylvania. Yes.

Mr. PICKETT. Nothing has taken place since then except the stipulation which was entered into between the Department of Justice and the company, providing for leaving matters in statu quo, pendente lite. That stipulation was inserted in the RECORD by the gentleman from California [Mr. RAKER]. They are occupying the land. Their pipes are across it. They are now in the courts upon their rights, as they insist, under these mining claims. They will not be disturbed until the court decides that case. If the court decides their way, there is no necessity for this legislation. If the court decides that the mining claims are fraudulent, they will then be required to agree upon terms of a permit with the Agricultural Department under the law which Congress has passed, and under the rules and regulations of the Department applicable to such cases.

Mr. RAKER. Will the gentleman yield for a question right there?

Mr. PICKETT. I yield first to the gentleman from Pennsylvania.

Mr. BURKE of Pennsylvania. In the light of ordinary procedure, how soon would the gentleman regard it as possible for a decision to be reached?

Mr. PICKETT. I do not know. The Department of Justice informally informed me that it would be reached this spring. The gentleman understands the uncertainties of litigation.

Mr. BURKE of Pennsylvania. I assume that this legislation is somewhat of an emergency character.

Mr. PICKETT. There is no emergency character about it. The company is not suffering. Its pipes are there. The plant is in operation. The attorney for the company stated in the hearings that all they asked was to have the case tried in the courts, and in the meantime matters remain in statu quo.

Mr. Chairman, I stated in the beginning that the value of the land in controversy was of no importance as compared to the other issues involved. I have already discussed the record, showing the controversy that has been in existence between the company and the Agricultural Department and also the litigation pending in the courts. It is immaterial whether the mining claims are fraudulent or not, so far as we are now concerned. The department charged with the duty under legislative act of protecting the national domain asserts that the claims are fraudulent, and the court has thus far held that the claims are fraudulent, and I urge that it is not proper for Congress to be asked to step in at this time and settle the same through legislative enactment.

But beyond all this there rises before us the important question of Government control over the great water-power rights incident to the use of our national domain.

The control of the use of Government land for hydroelectric development was one of the reasons for the act of February 15, 1901 (31 Stat., 790). It was the very purpose of the act not to permit the acquirement of vested rights in violation of the public interest or the policy of the Government in respect to such uses. The Department of Agriculture in its dealings with the Hydro-Electric Co. has simply been obeying the clearly expressed purpose of that act. One of the means of avoiding the effect of that act on the part of hydroelectric companies is through the mining law. It is well illustrated in the case before us. The conservation of our natural resources is one of the big questions in this country. It may be true that the Government has waited longer than it should, but the fact that it has in the past permitted its valuable resources to pass into the hands of private interests or monopoly does not justify a continuance of that policy in the future. The department has simply asked the Hydro-Electric Co. in this case to accept stipulations which the department requires under its general rules and regulations of other companies under similar circumstances. I will not pause to consider in detail the provisions of the stipulation, but will call attention to one single paragraph, as follows:

That the works to be constructed and (or) maintained under said permit will not be owned, leased, trustee, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever so that they form part of, or in any way affect, any combination or are in anywise controlled by any combination, in the form of an unlawful trust, or form the subject of any contract or conspiracy to limit the output of electric energy, or in restraint of trade with foreign nations or between two or more States or Territories or within any one State or Territory in the generation, sale, or distribution of electric energy.

It is under this clause that the Government is seeking to prevent the use of its public domain in the interest of monopoly. The bill before us gives to the company the right to the land during the term of its beneficial use, which means perpetuity, and would take away any control whatever on the part of the Government. It would be contrary to the policy of the Government as expressed in its statutes and administered by its executive department.

Upon what theory can Congress be asked to make this exception? Why should this company be singled out for a special privilege? Is it to reward it for its defiance of the officers of the Government whom we have charged with the duty of protecting our public domain? Is it to rebuke the court for its decision thus far rendered in the case? Has not the company elected its remedy? Why should it not pursue it to a finality? If this bill passes, on what ground can Congress refuse to pass similar bills in the future? And if we adopt the legislative policy of granting these special privileges or exemptions, why not repeal the law we have and reverse the policy of our Government, that has found frequent expression during the past few years, that our public domain and its resources belong to the people?

Mr. Chairman, much has been said about the high character of the gentlemen who are connected with this company as stockholders or officers. I do not know them personally. I have received numerous letters and telegrams from friends who do know them and who bear witness to their standing and character, and I have heard nothing to the contrary and gladly accede thereto.

But the discharge of the high responsibility resting on a Member of this body can not be governed by friendship; it must rest on principle. We must act on measures according to their merits, irrespective of who favors or who opposes them.

In conclusion, Mr. Chairman, I submit, looking at this measure from every angle, the record before us, the controversy between the department and the company, the litigation pending in the courts, the laws upon our statute books, the policy of the Government, and mindful of the interest of the people and of our high responsibility as legislators, that this bill in good conscience should not pass. [Applause.]

Mr. RAKER. Mr. Chairman, I yield 20 minutes to the gentleman from Nevada [Mr. ROBERTS].

Mr. ROBERTS of Nevada. Mr. Chairman and gentlemen of the committee, I am a new Member and have seldom addressed this House, but I want to say at this time, after having listened to the very eloquent speech of the gentleman from Iowa [Mr. PICKETT], that 20 minutes is too short a time within which to get together the mass of records that are necessary in order to answer the various questions that he has raised. But I do want to say that not all of the honest men in the United States live in Iowa any more than they live in any other one section. Not all of the men in this House are to be classed as monopolists simply because they favor this measure. As far as I am concerned, I want it distinctly understood from the outset that I am not representing any corporation in any particular, manner, or form, but I am appearing here in behalf of the great agricultural and mining interests of the State of Nevada. I live very close to this power line—only a short distance from it—and I do know this, that those western people who have gone in there and put in hundreds of thousands of dollars, and who are trying to develop that country, were willing to go in there and put up that money and take a gamble long before many of those gentlemen who are opposing them here to-day were born. What is it that has materially assisted in building up New York, laid your ocean cables, built up San Francisco and a hundred other cities? It was the gold and silver produced from the great mines in Nevada. What is it we want to do to-day with this power? Is it that we want to disregard the regulations of any department of the Government? I say to you no.

We are law-abiding citizens, but we want the Government to deal with us equitably. We do not want these mining properties to stand idle, as they have stood idle for the last 40 or 50 years, depending upon this power. I know many of the men who went in there, I know them personally—the men that are interested in this concern and properties surrounding it. They went in and invested their money. They own this water power. They own it all. The Government does not own a drop of it. They own the stream that runs down here into Mono Lake, a saline lake. The Government does not own any of that. Who owns it? The company owns it. Who owns the power plant down below here? Does the Government own it? No. Who owns it, and who owns the mining properties below that power plant, only awaiting the action of electricity before they start in to produce more money to put into circulation? Who is it? The men in the West who are willing to go out there and take a gambler's chance and try to do something. Yet, if the conten-

tion of some of the gentlemen here is correct, then the Government ought to hold this up. How long will it hold it up? Nobody in God's world would ever have undertaken the storage of that water power and built that dam and built that pipe line and conveyed that power down to its plant for the purpose of using it for mining and agricultural purposes, except the people who had their money in those mines and who had to get it out. Would you do it? Would the great Government of the United States do it? Would Mr. Pinchot do it? No. Who did it? Those men whom I have known for many years, some of whom crossed the plains in 1849 and 1850—and now some of you people here in the East and South, who have no public lands and who are crowded out, want to go out there and say to us how we shall manage that which is rightfully ours.

If the Government owned this water power, if it owned this water and owned this land I would say that it was a different question, but it does not. If the Government owned the property below it, I would say that a different question was presented, but the Government does not own it. Where in the name of common sense have you ever seen a question of equity more clear than the question that is presented to this House in this matter? If it is not a question of equity, then I do not know what equity is.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS of Nevada. Certainly.

Mr. COLLIER. I want to know how much of the Government land this pipe line goes over?

Mr. ROBERTS of Nevada. It goes over 3,800 feet of it.

Mr. COLLIER. And how long is the pipe line supposed to be, from one end to the other, going over lands owned by individuals?

Mr. ROBERTS of Nevada. I am quite certain that it does not cross any lands owned by individuals. The lands which the pipe line crosses are owned wholly by the company.

Mr. COLLIER. How long is that line? That is what I mean.

Mr. ROBERTS of Nevada. I think it is 5 miles. I will ask the gentleman from California [Mr. RAKER].

Mr. RAKER. I forget how many miles it is.

Mr. COLLIER. And what you want is the right to go over the Government land?

Mr. ROBERTS of Nevada. All we want is this right to go over 3,800 feet of Government land. The Government has the right, the absolute control of the public domain. It can withdraw to-morrow if it wants to from the Forest Service any portion of the lands embraced therein. It has absolute control of the public domain.

Then why should it not in a case of this kind, where there are great interests at stake, grant us this right? Why should not every case rest upon its own merits? If another company comes in here and wants something, and it can put up as good a case as this, I do not care whether Rockefeller or Morgan or anybody else is behind it, I will vote for it. We want to progress; we want to develop; we want to go ahead. We do not want to be held back by some of you people because some man who believes in extreme conservation has said this thing is in the interest of a water-grabbing monopoly.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS of Nevada. Certainly.

Mr. GREEN of Iowa. Do I understand the gentleman to say that all the company wants is permission to cross this tract?

Mr. ROBERTS of Nevada. The company does not want to submit to a revocable permit, which may be changed at the whim of every man who comes into the department. As the gentleman from California said the other day, just before Mr. Garfield went out of office as Secretary of the Interior—and I have no fault to find with him or any other official—by virtue of a change in his ideas and policies concerning those matters, with one swipe of the pen he destroyed interests amounting to \$50,000,000, and the water supply of San Francisco, for which something like half a million dollars had been expended, was absolutely made insecure. That was done just before he went out of office.

Mr. KAHN. Mr. Chairman, the gentleman from Mississippi [Mr. COLLIER] asked the gentleman how long that ditch is. I find that it is between 3 and 4 miles.

Mr. ROBERTS of Nevada. I thought it was 5 miles to the power house.

Mr. GREEN of Iowa. Will the gentleman yield for a further question?

Mr. ROBERTS of Nevada. I can not now. Would any of you as business men invest your money in any proposition where you have precedents like Mr. Garfield's action staring you in the face? Just before he went out of office he went to work and canceled 35 or more of those permits. Would you want to invest your money in a proposition where that was apt

to occur? Let me tell you this: Those mining companies out there are obliged to have electricity. The rich ores on the top have been worked out. They were worked out in the early days. The town of Aurora, the town of Rawhide, the town of Lucky Boy, the town of Fairview, the town of Wonder in my own State, 100 miles away from this place, are now receiving this power. They have to enter into contracts, stock has to be sold to put into those companies, and you have to put up a pretty good business proposition nowadays before men will consent to invest their money. They want to know whether the present head of the Forestry Service or his successor will revoke the permit they have to cross these plains, and whether or not they will lose the money they have invested in it, and they have a right to inquire. You can argue all you want about the hearing before the committee and what took place there. I was present at some of those hearings myself, and with all due respect to the gentleman from Iowa [Mr. PICKETT], for whom I have the highest personal regard, I will say that I did not hear him, while the attorney for that company was present, raise any serious objection to the attorney's actions in this matter so that the attorney might answer him. Yet upon the floor of this House he will attack this company and its attorneys and those who favor this bill. These men are all reasonable men and good men, and only want to be let alone. They want to go ahead and build up the West.

The West would never be built up according to these policies. How long would it be before anybody else would go in there and put up the money? A private individual would not, because he has not the mines and interests. These people have their money invested there and they have to get it out. How long would it be before the Government of the United States would go in there and start to develop those mining properties, I ask you?

Can any of you answer? Where is the gentleman from Iowa [Mr. PICKETT]? Let him answer me where there is another company in the United States that would put up \$250,000 to develop those mining properties in Nevada and California. It means, in addition to that, the turning of the water on to perhaps two or three thousand acres of land after they have used it for power and electricity, and it means the making of homes for people from your congested eastern centers. And yet some of you say that we should not go ahead with it.

Some time ago there was a circular letter sent out by the Hon. Gifford Pinchot, to which I wish to call your attention. I want to show you that he says in the very circular letter which he sent out that the permits are objectionable, and he does not blame the company for objecting to them. He says in his circular letter that the company rightfully objects to those permits, but at the same time he says that this bill is indefensible at all points. If it is indefensible at all points, I can not see why he should use the language which he did, namely, "that the company has rightfully objected to them."

Now, I want to answer one or two questions here. In Public Document No. 1424 of the Sixty-first Congress, third session, you will find all of the official correspondence bearing on the case prior to March 4, 1911. There has been a good deal said of that. It appears to me that the company has shown a willingness to have its rights adjudicated in court and to avoid any conflict with the forestry officials.

You will note on page 3 of the document a telegram of August 4, 1910, showing that some construction work had already been done upon this disputed strip of land at the time the trouble arose, and on page 5 of the same document you will see another Forest Service telegram, bearing date of August 11, 1910, showing that the company's attorney desired at that time to enter into any reasonable stipulation which would protect the interests of both parties and try the case on its merits, and, furthermore, he expressed the willingness to waive any advantage that might have accrued to the company from the fact that some construction work had already been done.

On page 26 of the public document you will find a proposition made by the company's attorney, Mr. E. A. Lane, wherein he agrees to enter into a stipulation to try the case on its merits. Is not that fair? And yet he is abused on this floor. The forest official rejected this offer, however, and rushed into court, inflicting severe financial loss upon the company and unnecessarily, it appears to me, delaying the completion of the project by a temporary restraining order secured from the court, without any opportunity for the company to be heard, as I have before stated.

That is only one of the things this company has been up against. Only a year or so ago, while I was at home, a telegram came over the wire that snowslides were coming down the high Sierras and were wiping out all the towns along the road. The power house of this plant was destroyed, and that old ditch, of which so much has been said, has been washed out by snow-

slides time and time again, and one of the reasons that old open ditch was not used continuously, and one of the very reasons that we are now asking to use this pipe line instead, was the washouts which are always occurring on those sliding mountains.

As to that little bare tract of land, I want to tell you it would not keep a grasshopper alive for six days. There is not any vegetation upon it. It is fit for nothing but horned toads, rattlesnakes, and lizards. And yet they say valuable Government property is being destroyed. I have heard these ultraconservationists stand up here and almost with tears in their eyes say that valuable Government property was being destroyed. If it were an individual's property, they would condemn it. You would go across it in a minute, but, unfortunately, you can not condemn anything that belongs to Uncle Sam.

And they say that the mining locations are valueless and throw them out of the way. That was what this master found. With respect to this master, who is he? He is a college graduate. Of course that is in his favor. I am not. But what did he find? He found certain things about which he knew nothing, except the principles of law. He did not know how to apply them to the mining conditions that exist in the West. I venture to say he did not know how to locate a mining claim to save his life; and I dare say, with due respect to the gentleman from Iowa [Mr. PICKETT], he could not tell the difference between a quartz mining claim and a placer claim. Those things are misunderstood.

But was that matter ever approved by the court based on the hearing that was taken before this master? Was there any action taken by the court to which he reported? I want to say no. His report stands, and nothing has been done with it whatever. The court never sustained his findings. They are simply as they were at the time, matters of record.

Now, in conclusion, gentlemen, let me state that there is more involved and a greater degree of public concern in this than merely the protection of this company and the men who have invested their money in it. It involves the future of thousands of acres of arid lands and the opening up of many rich mining districts in my own State.

My pockets are filled with telegrams at the present time from very prominent mining men in the western portion of my State asking that I support this measure, and I want to tell you that they are not from dishonest men, either. They believe that the passage of this bill means cheap power for the development of those properties and that the country will be benefited by it. [Applause.]

Our State is doubtless more deeply interested and concerned in the outcome of this matter than any other State in the Union. At the present time power is being supplied to the mining towns of Luckyboy, Fairview, and Wonder, and in a short time will be supplying the camps of Aurora and Rawhide, all of which are situated far remote from the source of this power and miles and miles distant from any growth of tree life that could properly be classed as a forest. These towns that I have just mentioned, and which are proven mining camps, producing thousands upon thousands of dollars to be added to the Nation's wealth, are wholly dependent upon the power that is supplied by the Hydro Electric Co. of California. Besides these mining camps and others within the State of California, there are thousands of acres of land only awaiting the proper installation of electricity from this plant to become productive homes, and without the encouragement of the enterprise of this company they will remain as they are at the present time—barren arid wastes. It would seem strange to me if this Congress should decide that a few barren acres of land embraced within a forest reserve, which never was properly intended to be such, should stand between the great undeveloped natural resources I have just mentioned and their future development.

It must be remembered and taken into the consideration of this measure that the West, and particularly the section of which I speak, is only partially developed and needs the encouragement of the Government rather than the discouragement of any particular department thereof. We have no fight with the officials of the Bureau of Forestry. They are entitled to their views and have the right to express them; but we do contend that this Congress has the absolute right, by the enactment of law, to encourage and protect the rights of this company, regardless of any order which may have been issued by any official in the Forest Service. This company owns its water rights and has a title to them which has been in existence for more than 20 years. It owns its dam and pipe lines, its power plant, and the grounds upon which the same are located in fee simple. There is a little strip of ground across which this company wants the right to convey its water power, only 3,800 feet in length, about which there is some controversy at the present

time. This small tract of ground about which the controversy ranges is a barren, arid, rocky slide, upon which there is no growth of vegetation, never was, and never will be; and yet, forsooth, due to the overzealous efforts of some of those who favored the extreme conservation of our natural resources this tract of land, 10 miles distant from anything that resembles a forest, was embraced in the reserve. Many of the people behind this enterprise and deeply interested in it are known to me personally. They are pioneers and the sons of pioneers who crossed the plains in 1849 and 1850 by ox teams and have owned valuable property in that vicinity, the development of which could only be brought about by the successful installation of electric power. In order to develop these properties they invested their money in this enterprise, and I am told that their investment amounts to upward of \$200,000; and yet by the simple ruling of one of the departments of the Government this great enterprise is to be practically confiscated.

In order to develop such sections of country it requires daring business enterprise, and men of means who believe in the future of such sections should certainly have the protection of the Government. Would you as business men invest your money in uncertainties? Do you believe that it is the proper policy of this Government to foster and encourage the development of our mineral and agricultural areas, or do you believe that it is the proper thing to place stumbling blocks in the way of those who are willing to take chances on their development? Capital as a general thing is cautious concerning investments, and men who are willing to invest great sums of money in such undertakings which, at most, must be considered as uncertain investments, are certainly the ones who have built up our western frontier. It was such men as these who opened up and developed the great Comstock mines in the early days, and later Goldfield, Tonopah, and other great gold and silver producers. I am not one of those opposed to reasonable conservation which redounds to the benefit of the people who now live or the generations yet to come, nor do I desire to be understood as criticizing the motives of those men in the employ of the Government who have been connected with this case, but I do now condemn the policy of the measures in this case which stand between the development of our natural resources on one hand and the undevelopment of the same resources on the other. Why, gentlemen, this power plant is at least 60 miles distant from a railroad, and in a country that would never be developed and brought into usefulness without the investment of vast sums of money by those progressive westerners who were willing to take a legitimate "gamble." It is a shame to stand for one moment for the policy of any man, or set of men, in a case of this kind, simply because the Government has entered upon a policy of conservation.

I believe in the protection of water power, and I believe in the protection of our forests, but I am in favor of voting for any measure which will tend to the further development of our country. This small strip of pipe line, which is the controversy in this case, crosses five mining claims, which it is claimed by the owners were duly and legally located by the locators and subsequently purchased by this company, and, as I have said before in my remarks, they constitute a tract of land worthless except for mining purposes, and even for that purpose they may prove to be utterly worthless. No one can tell until they have been thoroughly prospected and developed. I have seen many such locations, just as barren, apparently just as worthless, just as devoid of vegetation, become producers of great wealth. My contention is that the company is entitled to equitable relief at the hands of Congress. For years, operating under a construction of the State and United States laws, this company and its grantors have owned and operated an open ditch for precisely the same purposes it now asks this House the privilege of maintaining and operating the pipe line in question. For more than 20 years these operations were being conducted, before ever any departmental official dreamed of bringing the land which it crosses within the limits of a forest reserve. I further understand that the Forestry Department itself has admitted the right of the company to own and conduct the open ditch which I have just referred to, but in order to conduct the water more directly, more economically, and more efficiently across these lands the company did, as you or any other business man would have done, changed the course of the ditch and constructed a closed pipe line instead. The trench has been dug, the pipe laid, and the power necessary for the operation of the properties dependent upon it is being generated and used. Camps that have been lying dormant within the State of Nevada since the days when Mark Twain was writing humor and scratching for gold in the sands of the desert are now active and producing camps, and to revert unnecessarily, perhaps, but interestingly I hope, I wish to state that the camp of

Aurora, in which Mark Twain's cabin now stands, and the camp in which he tried to make his fortune long before electric power was dreamed of, is one of the camps dependent upon this act of Congress.

This company not only wants but should be granted a clear title, so that all legal doubt as to its operations may be set at rest and that no uncertainties may exist as to the status of the questions involved. No one will be harmed by the passage of the bill at this time, nor will any precedent be established inimical to the interests of the Forest Bureau. The introducer of this bill, the gentleman from California [Mr. RAKER], has specifically pointed out in a written statement which he furnished to various Members of this House, that under an act of Congress approved February 1, 1905, which grants rights of way across forest reserves for mining and municipal purposes that the company claims not only a right of way, but a vested easement for its pipe line. I believe that the laws governing the mineral lands and locations will be found upon examination to be liberal enough to warrant any person who believes in the development of such property to go ahead with his enterprise. I can not believe that Congress will seriously consider the Hon. Mr. Pinchot's argument in connection with this case. I believe that if he were as familiar with the conditions that exist in that section of the country as those of us whose good fortune it is to live there, that he would, notwithstanding his zeal concerning conservation, withdraw his objections to the passage of this bill and apologize to those pioneer business men who have devoted their entire lives to western development, for the statement which he has circulated among the Members of this House. I will not be as unkind to Mr. Pinchot as he was to the owners of this company in the criticism of their motives, nor do I for a moment impute to him any ulterior motive in his objections to this legislation, but I truly do disagree with him concerning the propriety of this legislation and concerning the propriety of the statements which reflect upon men whose lives and characters are beyond reproach and who were working for the upbuilding and development of the natural resources of this country before he was born. To develop great properties requires capital, and that capital must be guided and protected along the lines of its legitimate investments. This company, in order to proceed with its work, must have the support of the various mining and agricultural enterprises to which it intends to supply its power.

Mining and agricultural companies, as well as individuals, who look forward to the development of their properties, must have some assurance that the rights of the company with which they enter into contracts for electric power will be protected in their rights, and that those rights will not be subject to the whim of every man who might be selected to pass upon the questions involved in the maintenance of a forest reserve. Yet those who oppose this measure would give to this company, which has invested so many thousands of dollars and which is doing so much for the upbuilding of our country, a revocable permit, if you please, for the conduct of its business. If such a policy should be carried out, there would never be any material progress or advancement in the West. Would the Government, whose only claim is a disputed right in these apparently worthless acres of shale rock, undertake the development of any of these resources? No. Why, then, should a "dog in the manger" policy be pursued and those who are willing to proceed in the opening up of those great enterprises be retarded and discouraged in their undertaking? It must be remembered and seriously considered that this company early in the summer of 1910 constructed a dam upon its own land at Lake Bundy, for the purpose of storing the storm and flood waters, which would otherwise run to waste, and utilizing such waters for the generation of a small amount of electric power—approximately 1,000 horsepower—to be used in its own mine operations and for sale to other mine owners, and for other purposes; that not a foot of Government land was to be or is covered by the dam or flooded by the waters of the reservoir; that the Government does not own the land where the operations begin nor where they end.

The questions involved in this case are in a class entirely different from those in any other case to which my attention has been called. The Hon. Mr. Pinchot claims that the question at issue is a small one and that the value of the land for national forest purposes will not be seriously reduced by the construction of the pipe line. He claims, however, that the importance of the precedent involved is as great as the actual issue is small, and that the essential facts of the situation are that the company is attempting through congressional legislation to establish the right of water-power companies to take and use for their own purposes whatever national forest lands they please in spite of the Government and the courts. He claims that the bill is in-

defensible at all points, and yet he admits in his circular letter of January 6, 1912, that power companies very properly object to the law under which revocable permits are at present given. My understanding of the question is that Congress has the right at any time to withdraw from forest reservation any lands that it may see fit. It has absolute control of the public domain. Can it be argued that the officials of the Forest Reserve or of any of the departments of Government have more power than Congress itself? If Congress should, as I firmly believe it will, after going thoroughly into the merits of this case, in its discretion grant the relief prayed for in this bill, no harm could possibly result from it, for each case that may hereafter be presented would have to stand upon its own merits. Mr. Pinchot further contends that this bill does not make possible any development that would be impossible without it. In reply to that, I desire to state that it is improbable that any man or set of men, who were not interested in large undeveloped properties, both mining and agricultural, wholly dependent upon this project, would ever have undertaken the enterprise. These properties would remain undeveloped perhaps forever. He further states in his letter that the department is now, and has constantly, been ready to grant under the proper and customary safeguards the right which this bill proposes to grant without any safeguard at all.

My study of this case leads me to the conclusion that this statement is inconsistent with the statement previously made by the gentleman, wherein he says that the companies properly objected to the permits under the present law governing national forests. He further states, in terse language, that this bill should be killed promptly, because it "would make it harder to control monopoly and impair or destroy the right of the people to handle their own property in their own interests." In this connection I desire to state that that is the very object for which this bill is introduced, namely, to allow the company which owns this property to manage it, not only in its own interests but for the public welfare. I am just as much opposed to illegal monopolies as any man, and am opposed to impairing or destroying the rights of the people, but I am also opposed to any policy of government which stands in the way of legitimate development and progress. Furthermore, the contention of Mr. Pinchot that this bill is in the interest of "water-power grabbers" and favors monopoly, I must say that he disagrees with the local forest officers who testified before the Public Lands Committee, as will be shown in question and answer 11, on page 5, of the hearing before said committee. This question was asked, "Will the desired special use involve monopoly?" Answer, "No." On page 41 of the hearing before the committee, Mr. Williams, the Assistant Solicitor of the Department of Agriculture, testified as follows:

Mr. VOLSTEAD. But is the Government going to suffer any damage in any way that would be irreparable?

Mr. WILLIAMS. No; no individual in the United States will suffer one penny.

Now, the records show that the Hydro-Electric Co. first commenced its work in the early summer of 1910, and there was no trouble with any of the forestry officials until the latter part of July, 1910, when in the construction of its pipe line it became necessary to cross this barren tract of land, which is the source of all this trouble. In crossing this land the forest officials attempted to prevent the construction work by threatening to arrest the men in the company's employ. The officials of the forest reserve demanded that the company surrender all its property rights and its legal claim of rights under the mining laws to cross this small barren tract of land, and take out a revocable permit, containing the same terms and conditions as though it were operating exclusively on Government land instead of upon its own land held in private ownership. Shortly after the threat of arrest was made, a suit for injunction was instituted and obtained, ex parte, without any opportunity to the company for a hearing, a temporary restraining order. By virtue of this order the company's work was tied up for more than three months.

In the meantime the local master in chancery had heard evidence on the question of the issuance of the injunction pendente lite and had reported recommending the issuance of such injunction. It might be well to state, however, that this report was never confirmed by the court, and therefore no injunction pendente lite was ever issued upon the report.

Some time later, after considerable negotiation between the company and the Government officials, the Government officials granted the company a temporary permit and authorized construction to proceed, with the understanding that the company would be allowed to operate continuously, pending a final judgment by the court upon its merits. It was mutually agreed that any injunction pendente lite which should issue should con-

template this temporary permit and should not prohibit continued operation under such permit.

The company had been moved to open negotiations with the Government officials on account of the great financial loss caused by the prolonged tie-up of its construction work under the *ex parte* temporary restraining order. Therefore the company, in consideration of the understanding just described and of the issuance of the temporary permit which allowed construction and operation to proceed, agreed on its part to the issuance of the formal order for injunction *pendente lite*. This agreement the company carried out in open court.

It was not long thereafter until the officials of the Government submitted to the company for execution, and demanded that it sign, the same form of permit which it had refused to sign from the first. The company offered to sign any temporary agreement, reasonable in its terms, which would be binding pending litigation only and which would not jeopardize the company's legal claim, but would allow it to proceed in court. However, the officials representing the Government insisted that the company should sign the objectionable permit, which they proposed without modification in any word, syllable, or letter. The company refused to sign any such agreement, and thereupon the Government officials revoked the permit which they had previously granted and upon which the company had acted in good faith, and attempted to close down the company's plant and to force it to tear up its pipe line by invoking against the company the formal order of court for an injunction *pendente lite*, which had been issued by the consent of the parties.

During this time, however, the company had expended several thousand dollars and had completed its pipe line and constructed its power house and transmission lines, and was furnishing electricity for its own operations and for the operations of other miners.

During the time the construction work had been prevented the forestry officials instructed the local forest officers to grant a temporary permit to the company, provided it would make the same agreement which it had offered to make in the beginning, with the further proviso, however, that the company should in open court consent to the issuance of a temporary injunction.

The company had already been long delayed in this work, and had suffered a heavy financial loss, and winter was fast approaching. This meant another year's delay, and the company finally consented to the terms proposed, in fact, after preliminary consultation with the local officers, the company had made the offer which appears on page 60 of the document.

I will quote from that page:

Mr. Lane, attorney for the Hydro-Electric Co., has agreed that if the department will issue a temporary permit he, on behalf of the company, will go into court and state that no objection will be offered to the issuance of a temporary injunction and to the amendment of the order to include a prohibition against maintenance and operation of a pipe line or any other water conduit across all or any part of the lands in question. He will stipulate, if such temporary permit is issued, to apply for and execute a final permit in the form presented by the department whenever the company falls in its litigation. He wishes, however, to have this temporary permit run until the close of any litigation the company may care to institute—which might mean until a decision was rendered on final appeal to the Supreme Court. He is willing—in fact, prefers—that the temporary permit shall carry such charges as a final permit would; but to avoid any difficulties in making refunds if the company should be successful, that all checks shall be deposited in escrow until the completion of the litigation. In case the company is defeated the final permit would date from the beginning of the litigation.

The offer which I have just quoted was communicated to the Forester by letter and also by telegram, which you will notice at the top of page 68 of the document. The telegram is addressed to the Forester, at Washington, and was sent from San Francisco on the night of the 12th of November, 1910. The Forester's reply was sent from Washington to San Francisco on the night of November 14, 1910, with direction to the local forester at San Francisco to prepare such temporary permit embodying proposed agreement to be drawn up by Mr. Lane, representing the company, and by Mr. Merrill, chief engineer of the Forest Service, the United States district attorney at San Francisco, and the local solicitor of the Department of Agriculture at San Francisco, representing the Government. The telegram just referred to will be found at the bottom of page 67 of the public document.

Acting upon, and in accordance with, these telegraphic instructions the company and the representatives of the Government drew up a temporary agreement, which is printed on pages 65, 66, and 67 of the document.

You will notice that this agreement was submitted to the forestry officials by the company after it had been executed, acknowledged, and regularly approved by the board of directors of the company. With your permission, I will read the agreement.

Now, this agreement provides for a temporary permit to be effective during the litigation, provides for payments of \$75

each year to be placed in escrow by the company to await the judgment of the court, and provides also that the company will, if defeated in court, execute and abide by whatever agreement and permit might thereafter be prescribed by the Secretary of Agriculture.

After this agreement, which was drawn in accordance with the express telegraphic instructions of the officials of the Government as per telegrams which I have just cited, the Forest Service purely and simply abrogated the same without any fault on the part of the company or without any act or neglect being charged against it.

The reasons given for the refusal of the Forest Service officials to live up to their agreement are set forth in the Forester's letter to the district forester, dated November 26, 1910, and printed on pages 57, 58, and 59 of the document, which I have. I quote from the Forester's letter:

The main reason, however, for the disapproval of the proposed agreement is that the solicitor holds that power permits hereafter shall not take the form of an agreement at all and shall not contain stipulations or conditions tending, even by implication, to bind or control the discretion given by the statute to the Secretary to revoke such permits. The new form of permit and stipulations and the power part of the new code are being shaped up to carry out this idea.

After this agreement was abrogated the company was notified by the department that it must accept and agree to a new stipulation drawn by the forestry officials, and which is printed on pages 59, 60, and 61 of this document.

One peculiar thing about this agreement is that it is practically the same form of water-power permit stipulation as is required of large water-power companies which are utilizing valuable water-power sites belonging to the Government and reservoirs and pipe lines located entirely upon Government land. The only difference is in paragraph No. 1, which provides for a fixed charge of \$75 per year instead of the usual graduated kilowatt hour or horsepower charge.

The company refused to sign such an agreement, upon the ground that it would involve an admission against itself of the very points at issue in the pending litigation. The company's letter, in which are its objections and requested nullifications, is printed on pages 56 and 57 of the document.

The forestry officials refused to consider the company's request, telling the company that it could "fish, cut bait, or swim ashore." These words will be found at the top of page 48 of the document. It also appears from the records, on page 47 of the same document, that the company appealed to the Secretary of Agriculture, and that the Secretary of Agriculture denied the appeal and ordered the revocation of the permit under which the company had already completely constructed and installed its ditch line and power plant.

The company can not be said to be operating on Government land, nor is it using or utilizing any water-power site belonging to the Government. It owns not only the water, but its power sites, by long-vested and unquestioned title. It also owns by unquestioned title at the present time, and has owned through itself and its predecessors for more than 20 years, an open ditch and a right of way for this open ditch across the same parcel of land that is described in the bill.

If this company were using and utilizing valuable Government lands and power sites, the case might be looked at differently, but as it is it appears to me to be clearly a case where Congress should grant relief.

Some of you may ask, and rightfully so, the necessity of granting relief. In the first place, all of the company's water rights, its reservoir site, its dam, its pipe lines, its power house, its transmission lines, and its mining properties would be rendered practically valueless, for the reason that there is positively no security of title and nothing to guarantee an investment under such a license or revocable permit as the Forest Service proposed.

Forest Service permits are issued under the act of February 15, 1901 (31 Stat. L., 790), which expressly provides. I quote from the act:

And provided further, That any permission given by the Secretary of the Interior under the provisions of this act may be revoked by him or his successor, in his discretion, or interest in, to, or over any public land, reservation, or park.

It will thus be seen that under this act the power of arbitrary revocation is supreme and that the company would be without any security whatever. No one would invest money in such an enterprise, and Mr. Pinchot himself, in his letter, as I have before stated, acknowledges that such permits are objectionable. In fact, these permits have actually kept capital from developing many valuable properties throughout the country. A permit was first granted to this company and afterwards revoked. It was revoked after it had been regularly agreed to and without notice or reason given therefor.

The company had invested considerable capital under the permit agreement and had completely constructed its plant. Then all at once, by reason of a change in policy, their investment was made insecure. Nor was the action of the Government officials in this case the only arbitrary action taken by them. I am informed that many other instances might be cited wherein valuable properties have been practically rendered valueless by revocations made subsequent to vast expenditures of capital in good faith. I believe that the water supply for the city of San Francisco has been cited here as one of the examples of change of front, on the part of departmental officials. I mention these facts to show how uncertain such permits render great and meritorious undertakings.

These wholesale revocations were based upon ex post facto department regulations which required a new form of agreement and required additional and more onerous agreements on the part of the permittees.

The reason assigned in all of these cases was substantially the same as that given in the present case, which I have already quoted. I quote it again in part from House Document 1424:

The main reason, however, for the disapproval of the proposed agreement is that the solicitor holds that power permits hereafter shall not take the form of an agreement at all, etc. * * * The new form of permit and stipulations and the power part of the new code are being shaped up to carry out this idea.

As I understand the term conservation, it means the act of preserving from decay, loss, or injury. If that be the meaning, then this company, which is characterized as a "water-grabbing monopoly" by the opposition to this bill, is engaged in carrying out the principles of conservation in the highest degree. It is engaged in preserving from loss and putting to a beneficial use vast volumes of water which have for ages gone to waste; it is saving from decay the natural resources of a rich, undeveloped country. It is providing homes for the homeseekers, opening up mines, and providing some of the necessary and useful comforts for the people in those isolated sections. If it be against the policy of this Government to encourage such enterprises, then I do not understand the principles of a progressive Government.

Mr. LENROOT. Mr. Chairman, I hope that the members of the committee distinctly heard the last statement made by the gentleman from Nevada [Mr. ROBERTS], wherein he said that at the present moment his pockets were full of telegrams from the mine owners of Nevada asking him to aid in the passage of this bill. And here, Mr. Chairman, is the real secret of the strenuous efforts that are being made to pass this bill. It is not this little 3,800 feet across the barren waste that is involved in this bill, but there is involved in it the entire question of the regulation of water powers in all of the national forests in this country and over our public domain. The purpose of this bill, Mr. Chairman, is to create an opening wedge, and if this bill is passed, making this grant to this company that has attempted to perpetrate a fraud upon the United States, then I say that this Congress can not in equity and good conscience refuse to grant to the other 250 water-power companies now holding revocable permits the same kind of legislation. Mr. Chairman, those who favor this bill have attempted to belittle its importance. They have shown to us that here is only a strip of 3,800 feet of barren land that is involved. If that were so, then, why should this bill receive attention from lobbyists who have come from across the continent to the city of Washington, lobbying for this 3,800 feet of right of way? If that is all that is involved, why have I, like the gentleman from South Carolina [Mr. LEVER], received a telegram, containing 800 words, asking for my support on the bill? Why was there an attorney sent here to Washington from my own State of Wisconsin, a friend of mine, who stated to me that he represented a certain lumber company in the city of Chicago, and asked me to support this bill, if all that was involved was a little 3,800-foot strip across a piece of barren land?

Mr. Chairman, every Member should consider these things in reference to this bill. So long as I have been a Member of this House it has been my endeavor always to study bills coming before this House impartially and, so far as in me lies, come to a just and proper conclusion with reference to them. And with reference to this bill I say—and I measure my words—that no more unjust bill has been presented to this Congress since I have been a Member of it.

The gentleman from Iowa [Mr. PICKETT] has gone over the history of it and I shall only touch upon two or three points in connection with it. And, first, let me say that it has been contended by the gentleman from California [Mr. HAYES] to-day that this company had been operating an open ditch, and all they desired to do was to change it into a pipe line. Why, Mr. Chairman, the record shows that this company never ran a drop of water through that open ditch. The record further shows that that open ditch has never had a drop of water run through it since the year 1902—10 years ago. It was further

stated by the gentleman from California that all that they desired with reference to this bill was to have the law applied to this case. Mr. Chairman, before I get through I think I will be able to convince the committee that it is not the law they want applied to this case, but they are afraid of the law being applied to it. [Applause.] And that is why they are here seeking this legislation now.

Now, Mr. Chairman, to begin with, we have the views of the Secretary of Agriculture, Mr. Wilson, in a letter to President Taft, wherein he says of this company and this proceeding:

This company has shown a disposition throughout this whole matter to set at defiance my authority in the administration of the national forests, so far as affected by the act of February 15, 1901.

The Solicitor of the Department of Agriculture has said:

The report of the master in chancery is exhaustive and clearly presents the issues in the case, and this report can not be read without the conviction that this company had knowingly and intentionally set out to construct its pipe line across the lands of the United States in the Mono National Forest without a permit and in conspicuous defiance of the law and the regulations of this department.

Now, much has been said about the Government proceeding against the company arbitrarily and securing a temporary injunction against it. I want to read from the testimony of Mr. Lane, one of the company's attorneys, who has spent days and months here, and who is here to-day, as I understand, lobbying for this bill. In the hearings before the committee this was Mr. Lane's testimony:

Mr. PICKETT. The representative of the Government notified you not to proceed any further until you had complied with the rules and regulations of the department?

Mr. LANE. He came out and stopped the work, and threatened to arrest the men.

Mr. PICKETT. You had advised your plant to proceed in any event?

Mr. LANE. I advised them to submit to arrest, and as fast as these men were bailed out to put them back to work and go on.

That is the character of defiance of law that we are asked to reward by the passage of this bill. But that is not all. Shortly before this work was commenced this company secured, at a cost of \$10 apiece, seven mining locations, and the gentleman from California [Mr. RAKER] contends that these mining locations were valid. He said that the master in chancery held that because they did not find lumps of gold as big as your fist on each one of these mining claims that therefore they were fraudulent and not a valid discovery.

Now, the gentleman from California must know that of these seven mining claims there is only one as to which there is any claim that there was ever a discovery of a grain of mineral on it, the one claim known as the High-grade claim. As to the other six, the master in chancery finds that they were fraudulent, not because they were bought for \$10 apiece only, but because there is not a scintilla of testimony that as to six of these claims there was any discovery of mineral whatever.

And I want to read what the master in chancery found in reference to that. After describing the claims and finding that there was a claim of discovery on only one of the seven, the High Grade claim, the master says:

On the question of the good faith of these mining locations I have given the evidence and the arguments of counsel a most careful consideration, giving every possible effect to the possibility that the Goleta vein may continue into these claims, and that cheap ore may be worked with profit thereupon. * * * I am entirely convinced that the great preponderance of evidence shows that they are nothing but paper locations, made with a view to obtaining a right of way for their pipe line across the forest reserve.

That is the finding of the master in chancery, and no one can read the record without being absolutely convinced that that finding is abundantly sustained.

The gentleman from California [Mr. RAKER] last Wednesday read a decision of the Supreme Court of California in a case in which he himself as judge had rendered the decision in the lower court, and I want to say, in reference to that decision, that we may well concede that that decision states the law absolutely as it is, and yet, under that decision, any court in the United States would be compelled to find as the master in chancery found in this case, that these mining claims were fraudulent.

But that is not the only fraud that has been perpetrated by this Hydro-Electric Co. upon the Government. When the Government officials were insisting upon compliance with the law, as it was the duty of the Government officials to do, and knowing, of course, that those mining claims were acquired by or for the purpose of perpetrating a fraud upon the Government, what did this company do—this company that is now before this Congress seeking equitable relief? They went to the county board of Mono County and there secured the passage of an ordinance laying out a highway along this entire pipe line, and agreed to construct that highway at their own expense.

Now, as the master in chancery has found, and as the fact is, there was no occasion for the laying out of any highway in

Mono County along these lands, except this 3,800 feet in controversy, for as to the balance of the lands the Hydro-Electric Co. owned them, and therefore there was no occasion for any highway being laid out over them. And the master in chancery found, in reference to this highway, that, too, was an attempt to secure a right of way across this national forest by fraudulent means, and this is what the master in chancery said:

It will strike anyone as strange that a county road should be laid exactly following the power pipe line. Among other inconsistencies will be noted the fact that following that part of the pipe line noted on the map, Exhibit 31, as the pressure pipe line, the highway would go straight up a hill, an elevation of 700 feet, and in about half a mile.

Think of it! Laying out a highway across this pipe line with an elevation of 700 feet in a half a mile! But, as can be seen from that diagram before us, there is a highway now existing just a few hundred feet below.

Mr. Chairman, is it possible that any member of this committee, in the light of these facts, can favor this bill? I understand, Mr. Chairman, and I am in sympathy with the desire for general legislation that will do away with revocable permits and authorize the Secretary of Agriculture or the Secretary of the Interior to give a permit with a fixed tenure and under reasonable regulations. But, Mr. Chairman, that is not the case here, and if the gentleman from Nevada [Mr. ROBERTS] and the gentleman from California [Mr. RAKER] would devote themselves to secure such legislation, applying to all alike, seeking to use our national forests instead of seeking to bolster up these fraudulent claims in that part of the country, they would carry more weight in the views they undertake to express before this Congress.

Now, Mr. Chairman, there was some controversy here last Wednesday as to whether or not a stipulation had been entered into between the Government and this Hydro-Electric Co., permitting them to use and operate this pipe line until a final conclusion should be had of the litigation pending in the Federal courts in the State of California; and I want to take just a few moments in referring to what occurred last Wednesday during the speech of the gentleman from California [Mr. RAKER]. He was asked by the gentleman from Iowa [Mr. PICKETT] concerning this stipulation—a stipulation which, by the way, the gentleman, in inserting his remarks—put in the RECORD, and it may be found at the conclusion of his speech. The gentleman from Iowa [Mr. PICKETT] asked him if, in fact, a stipulation had not been entered into permitting this company to use this right of way until the final conclusion of the litigation. Mr. RAKER replied:

Just a moment. Let me finish. I can not tell it all in one breath. They then told me they had no power or jurisdiction over this case. I then went to the Attorney General's office, and what has been actually done since I am not able to state, as to the present condition.

And a little later on the gentleman from Illinois [Mr. MADDEN] asked Mr. RAKER these questions:

If this bill is enacted into law, it will set the injunction aside?

Mr. RAKER. Absolutely.

Mr. MADDEN. Does the gentleman think that is good legislation?

Mr. RAKER. Absolutely.

Mr. MADDEN. Is there not a prospect that the company could get a temporary permit pending the legislation?

Mr. RAKER. I do not know.

And then Mr. HAYES, the gentleman from California, interrupts and asks if Mr. RAKER will not yield to him, and he does.

The gentleman from California [Mr. HAYES] said:

I will say that no such permit is possible unless this company give up all their rights. Permits have been refused.

And a little later he said:

As I understand that stipulation, they are obliged to give up their rights to that property and take it as though it was a part of the public domain.

Now, with all due respect to both of the gentlemen from California, they being the leading sponsors for this bill on the floor, I submit that they ought to have had better knowledge of the facts concerning this matter than they seemed to have had last Wednesday. For, after that debate was over, and the gentleman from California [Mr. RAKER] last Monday extended his remarks, you will find that later on in his speech he inserted an admission that there was a stipulation, that he knew of it last September, and he put that stipulation in the record, which shows that under that stipulation this Hydro-Electric Co. now has all that the gentleman from California [Mr. RAKER] was seeking to get before the Committee on the Public Lands when it had the hearing at the special session of Congress last summer. Having that, what can the gentleman say now in defense of his action? And this is the position in which the gentleman from California [Mr. RAKER] now is. The company can go on to the final conclusion of the litigation without being disturbed by the Government, but the gentleman from California [Mr. RAKER] asks this Congress to say by the passage of this bill that if the court should find that the Hydro-Electric Co.

has perpetrated a fraud upon the United States, has secured fraudulent mining claims, has attempted to secure a right of way by means of a fraudulent highway, notwithstanding that, they want this Congress to give this company doing these things rights that we will not give to any other company in the land, no matter how innocent it may be.

And let me say that the recollection of the gentleman from California [Mr. RAKER] was not very clear when he issued his statement that he printed in the RECORD, and earlier in this session distributed to all of the Members, because in that statement he said:

The granting of the relief provided in this bill is necessary because, as I have before stated, the officers of the Forestry Bureau have considered it to be their duty under the law to compel the company to waive its legal claims and accept the same form of revocable permit as it would be required to accept if it were operating, not upon its own lands, but entirely upon forest-reserve lands belonging to the Government.

And this statement, made by the gentleman from California, is dated January 9, 1912. When the gentleman made this statement did he not know that there was no effort to make this company waive its legal claims and that in truth and in fact a stipulation had been entered into on the 20th day of October last year giving to this company, without waiving any rights, the full right to continue to operate its pipe line until a final decree had been entered in the litigation now pending?

Mr. RAKER. Will the gentleman yield for a question?

Mr. LENROOT. Yes.

Mr. RAKER. Is it not a fact that the Secretary of Agriculture, in his letter to Senator BURTON, which appears in the RECORD, states that if the contention of the company is right, his contention is that it would in effect waive the rights of the company to the mining claims?

Mr. LENROOT. I did not quite get the purport of the gentleman's question.

Mr. RAKER. I say, is it not a fact that in the letter from the Secretary of Agriculture, Mr. Wilson, to Senator BURTON, which appears in this document, he states that if the company's position is correct, their admitting that the Government owns the land would thereby waive their right to the mining claim?

Mr. LENROOT. I understand the question now. I will say that I have not noticed that in the letter, but if the Secretary said that, I answer the Secretary of Agriculture is not a lawyer, and it was contended by all the attorneys for the Government, as the gentleman must know from the record, that there was no waiver and no waiver desired. And, further than that, let me say to the gentleman that the record itself shows that the claim that there was a waiver was not made in good faith by the Hydro-Electric Co., because the clause that they claim was a waiver was a recital that this pipe line "being upon lands of the United States" a permit shall be granted, and so forth, while the fact is, and the record shows, that that Hydro-Electric Co. did sign a stipulation with that very language in it originally and made no objection to the clause "lands of the United States."

They did object to paying the munificent sum of \$75 a year rental, when they have spent that many thousands of dollars—or somebody has—in attempting to secure the passage of this bill. [Applause.] They did object to a provision in the permit with reference to the building of weirs and gauges, and it was stated, I think, by the gentleman from California [Mr. RAKER] that this would cost several thousand dollars. Am I correct?

Mr. RAKER. I did not get the question.

Mr. LENROOT. Anyway, it was stated by the representatives of the company in the hearings that that would cost several thousand dollars.

Mr. RAKER. That is, for the weirs?

Mr. LENROOT. The weirs.

Mr. RAKER. So I have understood.

Mr. LENROOT. While in the hearings the engineer for the Forest Department—any gentleman can read it—stated that the cost of construction of weirs required under this permit would not exceed \$450. The gentleman from California [Mr. RAKER] must be aware of this fact, Mr. Chairman: No one can read this record from beginning to end, and read the objections that have been made by the Hydro-Electric Co. to this permit, without being convinced that the Hydro-Electric Co. at no time wanted a permit upon this land at all; that they were seeking by force and fraud to get across that forest reserve. Failing in that, and now convinced that the Government officials, doing their duty to sustain the law passed by the Congress of the United States, insist that the Hydro-Electric Co., as well as other water-power companies, shall observe the law, they now come to Congress and ask as a reward for their fraudulent practices the granting of an irrevocable permit without conditions, something that Congress refuses to grant to anyone else.

Mr. RAKER. Will the gentleman yield for a question?

Mr. LENROOT. Yes.

Mr. RAKER. The gentleman uses the words "fraudulent practices."

Mr. COOPER. That is what they are—nothing else.

Mr. RAKER. Is it not a fact that those who made these mining claims were miners and ranchers who had lived in that country and had been familiar with it for years, and they made their filings and sold to this company before the department ever asked them to obtain a permit?

Mr. LENROOT. It does not appear in this record whether the men who made these original locations were employees of the Hydro-Electric Co. or not, but from all the evidence in the case it is a fair inference that they were.

Mr. RAKER. I understood the gentleman to say that he had read the record.

Mr. LENROOT. I have read it.

Mr. RAKER. Does the gentleman know that these men testified that they were not employees of that company and that they made affidavits that they were not? And does the gentleman know that I have here a copy of the testimony and the record which shows that they filed on these claims because they believed they were valuable? They made affidavits before the court, and the department should have that testimony and should have given it to the gentleman before he made his statement upon the floor of the House.

Mr. LENROOT. If the gentleman states that to be true, I will accept it.

Mr. RAKER. I have the affidavits here.

Mr. LENROOT. I will accept the gentleman's statement if he makes it.

Mr. RAKER. Yes; I make it.

Mr. LENROOT. That they were not employees of the company; but, Mr. Chairman, I can not be unmindful of the fact that these claims could not have been considered very valuable by these gentlemen when they sold them to the Hydro-Electric Co. for \$10 apiece, or a net price of \$4 each, for it cost them \$6 apiece to record them. [Applause.] Neither can I be unmindful of the fact that the record shows that up to the time—

Mr. RAKER. Just one moment.

Mr. LENROOT. Let me finish this statement, and then I will yield. Up to the time of the hearings on this bill last summer not one dollar's worth of development work had been done by the Hydro-Electric Co. upon these claims.

Mr. RAKER. I want to state to the gentleman that I am informed, and I think he will find, that they have performed their development work upon all these claims.

Mr. LENROOT. They may have done so since that time.

Mr. RAKER. Does the gentleman appreciate the fact that many of the valuable lands in the West have been bought for very small sums?

Mr. LENROOT. Oh, yes.

Mr. RAKER. Does the gentleman remember the fact that we purchased from the Indians for a few beads the land where the city of New York now is?

Mr. LENROOT. I can not yield for that.

Mr. RAKER. The gentleman from Wisconsin also appreciates the fact that if the Hydro-Electric Co. attempted or desired to perpetrate a fraud—

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I yield two minutes more to the gentleman.

Mr. LENROOT. Mr. Chairman, if the company desired to perpetrate a fraud upon the United States, and clearly they did in the case of the highway, I know of no other way they would go about it to do it than to buy these mining claims for \$10 apiece and then make the claims they are making here to-day. [Applause.]

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. McLAUGHLIN].

Mr. McLAUGHLIN. Mr. Chairman, the gentlemen who have preceded me, speaking in opposition to this bill, have shown conclusively, it seems to me, from the record that the measure ought not to pass. I shall not take time to speak from the record or to refer at length to the testimony as it there appears. I want to submit a few general observations. I am opposed to the measure, because I look upon it as an entering wedge, as an attempt upon the part of those who are seeking the enactment of this legislation to do away with the control of the national forests in the manner in which the Forest Service is now controlling them. The demand made by the Forest Service upon the company that is seeking this right is very moderate indeed, and it is clear that the company is seeking the passage of this bill not for the purpose of avoiding the payment of the money, but for the purpose of breaking down the

policy of the Forest Service in its very efficient control of the forests for the good of the people of the entire country. A good deal has been said about unfair regulations imposed by the Forest Service upon settlers, upon individuals and companies who seek to use the land embraced within the forest limits and to make use of the timber growing there. I shall not undertake to defend those regulations, but simply to say that it is a relief, it is gratifying, to us to know that the forests are so carefully guarded, and that at last some plans have been devised for the protection of the public domain. Gentlemen who are opposing the Forest Service are heard every time an appropriation bill from the Committee on Agriculture is presented, and they talk of unfair regulations, of hardships imposed upon settlers; but it seems to me they are pleading for those who would despoil the forests, who would take, as they have taken so many times and to such great extent in the past, the public lands for their own benefit. It is true that within the national forests there are large sections of land not suitable for forestry and not covered with timber, but there are suitable regulations for withdrawing that land, and during the last five years more than 6,000,000 acres have been withdrawn and devoted to agriculture and to other purposes. There has been some delay in examining and investigating applications that have been made for the withdrawal of land under these circumstances, but it indicates clearly that careful investigation and inspection have been made and that the public domain included within the national forest limits is carefully safeguarded, and the rights of the people are now protected.

It is urged vehemently that the Forest Service has taken unfair advantage of the company seeking the right to cross Government land, and has imposed unjust burdens upon it; that the company has innocently and in good faith invested a large sum of money in the construction of property in ignorance of, and without due notice of, the demand now made by the Forest Service, and that the company has thereby gained the right to cross the land in question without restriction and without any burden whatever.

This contention on the part of the company is not supported by the facts in the case; and if the facts did not positively contradict the contention it would be idle from a legal or equitable standpoint for the company to make it. The land in question is, and always has been, Government land, and there is not now, nor was there ever, any right in the company or anyone else to use it for any purpose without first obtaining the consent of the proper officers of the Government; and it is clear the company has proceeded thus far in ignorance of its want of right in the premises, in disregard of notice or in open defiance of the assertion of right on the part of the Government.

The advocates of this bill assert the Forest Service is making demand upon the company contrary to law, and it appears that suit in equity has been begun and is now pending to determine the legality of the claim made by the Forest Service. The usual proceeding under such circumstances would be for the company to prosecute its suit and to have a determination by a competent court as to whether or not the demand made by the Forest Service is legal. The pressing of this measure seems to me evidence that the company and its attorneys have no faith in the suit, and that Congress is asked to pass this bill to override the Forest Service and to give the company rights and privileges that the law of the land and the rules and regulations of the service do not permit to be granted without compensation to the Government and without proper restriction for the purpose of enabling the Government to prevent monopoly and otherwise protect the rights and welfare of the people.

A frequent criticism of the Forest Service is that the national forests are expensive to the Government, whereas they ought to be, and the promise has been made that they would be, self-sustaining. When the promise was made by the advocates of a national forest policy, the extent of the forests was small compared with what it is now. When I began my service as a member of the Committee on Agriculture, four years ago, and took part in framing an appropriation bill which included provision for maintenance of the national forests, the total forest area in the control of the service was only 162,000,000 acres. Now more than 200,000,000 acres are included, an increase of 25 per cent in four years. Large appropriation of money is necessary to take care of extensive territory embraced within the limits of the national forests and to undertake and carry on supervision that is proper for the protection and development of the forest. The outside limits of a tract of land set aside as a forest must be surveyed, roads and trails must be laid out, telephone and telegraph lines must be put up, cabins for employees must be built, and before timber can be sold to produce money to meet expenses of the service it is necessary for officers and employees to inspect the timber and have personal

knowledge of the amount and value of it. It is true, as charged by those who are opposed to or indulge in criticism of the Forest Service and the policy of forestry undertaken by the Government, that appropriations made to carry on the work are increasing, while receipts of the forests are not growing in the same proportion; but it is not true that the forest policy has been unprofitable. Every acre included within the forests is more valuable to-day than when the land was set aside, and the value is increasing year by year and so rapidly that the Government is reaping large profit by withdrawing the land from sale and devoting it to forest purposes. And there will ultimately, soon I hope, be a direct profit for the forests. When roads and trails have been laid out, when the timber has been estimated, when information has been gained as to the nature and extent of the timber within the reserves, the plan or policy providing for the large sale of timber will be entered upon and the result will be large profits to the Government.

In some of the countries of the Old World, where a scientific forestry policy is and for many years has been followed, the forests are protected and maintained at an expense as high in some cases as \$6 per acre per year, and timber is sold in such quantity and for such price as to yield a net profit of \$6 or \$7 per year per acre. In our country only 2½ cents per acre per year are spent in protecting our national forests and in the conduct of our policy of forestry. When we realize the value, the absolute importance, of an extensive and scientific forestry policy; when we are willing to devote money in sufficient amount to provide for proper care and protection of our forests; when we have advanced far enough to enable us by proper administration to reap the benefit certain to follow from a proper forestry policy, there will be no complaint of the expense of the service. The people of the country will congratulate themselves that the forest reserves were established, and that Congress has had the wisdom and courage to provide for their proper maintenance.

The claim made by gentlemen from States within which are forest reservations to the effect that timber and the lands upon which it stands belong to the people of the States and ought to be given up to their use and control is not sound, and the claim that the forestry policy of the Government is retarding development of their States by withholding land from settlement is not made in entire good faith. The national forests belong to the people of the entire country, and not to the people of the States in which they are located. The welfare of the people of the country demands that the lands within national forests be retained by the Federal Government; that timber be cultivated and conserved for the present and future needs of the country, and that water and waterways be controlled by the National Government in a manner or to an extent at least necessary to protect the welfare of all the people, and to prevent monopoly of these natural resources.

The gentlemen from States where forest reserves are located point to the fact that timber lands in the States of the East and Middle West were sold by the Government and are now in private ownership. It is true that timber lands in the older States have all been sold, but the wisdom of their sale by the Government, by a policy which permitted the acquisition of them by private individuals and companies, is open to serious question. The standing timber is now in the hands of a very few individuals or companies who are able to control the lumber market, and this policy has resulted in devastating land not suitable for agriculture; and whereas the Government by pursuing a proper policy might have retained large tracts of timber which, by proper administration, would be yielding large revenue and assisting materially in support of the Government, the land is unproductive.

I say the claim of the gentlemen of the West is not well founded, because a very large part of the forest reservations is in a mountainous country and above the altitude where agriculture can be profitably carried on, and because the well-understood policy of the Forest Service permits withdrawal from the reserves of land found to be more suitable for agriculture than for forestry. The law and the rules of the Forest Service permit a settler near a forest reserve to take timber for his own use without cost, and during the year last past more than 120,000,000 feet of timber was so taken. Actual settlers within or near forest reserves are also permitted to graze small flocks or herds free of cost. And the general policy of the service has been to encourage and to give material assistance to actual settlers upon lands near or taken from forest reserves. Actual settlers do not claim and have no reason to complain of the Forest Service. The only complaint is made by men who are prevented from acquiring for their own use and profit immense tracts of timber, or who would use the public domain for their own benefit and without due regard

for the rights of the people in their immediate vicinity or for the welfare of the people of the country. As the gentlemen from forest States ask the privilege of despoiling the public domain or permitting its acquisition by men who would monopolize it to their own advantage, we reply that the experience in other parts of the country teaches that the welfare of the entire country justified, even demanded, the establishment of forest reservations and demands the continuance of the forestry policy upon which we have entered.

[Mr. TAYLOR of Colorado addressed the committee. See Appendix.]

Mr. MANN. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS. Mr. Chairman, this seems to be a struggle between a great principle, and a great corporation. I say a "great corporation," for I take it that no corporation can fail to be great which is able to put up so tremendous a fight in behalf of so indefensible a proposition as the one now under consideration.

We are not concerned with what may be called the intrinsic value of this land, or whether, as suggested it can support in a favorable season, one or a dozen grasshoppers. But we are concerned to determine whether, if we enact the legislation asked by this company, such legislation will be an infringement upon the great principle of conservation that we are seeking to establish? The privilege prayed by this company, is either one of great, or of little value to them. If it is of great value why should they object so strenuously to the reasonable restrictions contained in the stipulations submitted to them by the Department of Agriculture as a condition precedent to the use of the Government land sought to be taken.

If it is a trifling thing which they are asking, why is it that they do not abandon this fight, use their open ditch, and cease to harass this body and the departments in their efforts to secure this legislation, or some form of favorable action at the hands of the Congress of the United States? This issue should not be clouded by the declamation of the friends of the pending measure. No one is seeking to hinder the development of the West. No one is seeking to throw any obstacles in the way of the development of this, or of any corporation that seeks to promote in anywise within legitimate lines the great cause of national prosperity. But this is the old cry of every corporation that is opposed to the policy of governmental control, that such control will be a hindrance to the proper development of our material resources.

I fought over this proposition for 20 years in my own State. At one time there were many chartered companies that had irrevocable charters, and when the suggestion was made that a provision for amendment at the legislative will should be inserted in all charters, we were confronted with the same form of opposition now urged upon this body and charged with seeking to stay the development of Virginia, and to hinder the natural evolution of prosperity.

The fight for the right to amend, or repeal the charters of industrial companies, proceeded, until at last we wrote this principle into our latest constitution. Our charters are no longer irrevocable, but are taken subject to the right of the State to amend or repeal them at will. So far from the assertion of this right on the part of the State, proving a hindrance to our material development, or a discouragement to the formation of chartered companies, it has produced quite the opposite effect. Public-service corporations are more numerous with us than ever.

I have sought, and sought in vain to secure from the gentlemen who are advocating this proposition, why it is that they object on behalf of this company to the reasonable restrictions that are sought to be imposed by the stipulations submitted by the Department of Agriculture. They say to us: "You are seeking to destroy a great enterprise." But are we seeking to destroy the enterprise when we ask the company to pay to the Government of the United States \$75 a year? Is this company so weak, so puny, that the payment of \$75 a year for the privilege that we are asked to give them, will destroy its possibilities of development? What then, is the real objection to these stipulations?

I note that the Government requires four things by its stipulations. First a payment of \$75 a year. Second: That the company shall furnish power to the Government at the same rate as such power is furnished to other people. Does the company object to a provision or restriction of this character? If it does, then it comes with poor grace to us to ask favorable legislation at our hands.

Third: The stipulations provide that this company shall never become a part of any great controlling water-power trust.

Is there or should there be any objection to imposing an inhibition of this sort upon any hydro-electric company or other public service company? It is sought further to provide by these stipulations, and here comes, I think, the meat in the coconut, that the books of this company shall be subject to inspection by the proper representatives, or agents of the Federal Government.

Mr. RAKER. Will the gentleman yield to a question right there?

Mr. SAUNDERS. Certainly.

Mr. RAKER. Do you contend, and are you satisfied, that the Government of the United States would have the power to examine all the books of the men in private business, or associations, or corporations, in the State of Virginia?

Mr. SAUNDERS. I have heard this argument before. It is the same argument that was urged against the principle of publicity for the books of the railroad companies. Every step of the way that we have proceeded in the effort to establish this principle of publicity with respect to the operations of giant corporations has been against arguments of this character, namely, that we were seeking to interfere with, or destroy private rights. All over this land is a rising spirit which says that the public will never adequately come into its own with respect to control of corporations and the restriction of their powers in the public interest, until the accredited representatives of the State and Federal governments shall have the right to inspect their books, and be informed as to their transactions. Why should this House hesitate to impose these reasonable restrictions upon this company, or if it declines to accept our terms, dismiss this bill?

Mr. RAKER. You have not answered my question yet.

Mr. SAUNDERS. Your question has been asked so often, and answered so often, that I did not think that it was hardly necessary to answer it in detail in this body. I do not undertake to say that the time will ever come in this country when with respect to every form of private enterprise the Government, whether State, or Federal, will assert the right to examine the books of merely private concerns.

But I do say this, and I will now answer your question, if you insist upon it, that with respect to all corporations whose transactions are on so large a scale that their operations have become a question of public concern, the principle of publicity will be insisted upon. This principle of publicity is coming in this country as sure as we stand here to-day. [Applause.] The books are certain to be opened.

Mr. RAKER. Does the gentleman realize that in the State of California they have the absolute control to-day that he says they should have?

Mr. SAUNDERS. Then why object to giving the same power to the Federal Government. We insist upon the same right. I am glad the gentleman has made this statement. It destroys the force of his argument. There has not been a moment since this company set out to secure the passage of this act and for some time theretofore, that it could not have secured the right to cross the land in question by agreeing to the reasonable terms imposed by the Government. The amount of money required of the corporation, for the privileges conferred, is a mere trifle. As to the argument advanced, that to require this corporation to submit to the reasonable terms imposed by the department will hinder the proper development of the company, and of the great West, I am almost tempted to say that it is absurd. Who believes that any great department of this Government will ever operate, or administer, those functions which are given to it in the interests of the whole people, in such a way as to retard the development of the country, and destroy legitimate commercial and industrial enterprises? On the part of this body I repudiate, and repel such a suggestion. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I yield 10 minutes to my colleague from Illinois [Mr. FOSTER].

Mr. FOSTER of Illinois. Mr. Chairman, I am a firm believer in the development of the West, and would not desire to hinder or impede in any way the great development that ought to come to that wonderful country and its enterprising people. And yet I do believe that there are certain restrictions that the National Government has a right to place around the national forests that have been located in different parts of that country. I have taken some little time to look through the correspondence relative to the Hydro-Electric Co. of California, which, I suppose, contains most of the communications between the Government and the attorneys and the parties who own this pipe line or this property reaching from the headwaters down to the power house and into Mono Lake, and I have been unable to discover in all this correspondence any reason why, any good reason why, this company should not have taken out their per-

mit according to the laws and regulations as prescribed by Congress and the Department of Agriculture.

Mr. HAYES. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from California?

Mr. FOSTER of Illinois. I will yield in just a moment. I find this: That when this case was investigated by the master in chancery, who took the evidence, it was claimed that the parties who located the mining claims had not acted in good faith, and it is stated that they were nothing but paper claims. I have also observed this: That about the time these paper claims were purchased by the Hydro-Electric Co., they thereby secured for a nominal sum all the rights and titles that these people owned in these mining claims. They were preparing themselves to get just as much as possible of this land, so there would be just as little a strip of forest reserve as possible, just as little public land as possible, in order that they might get down with their pipe line so as to make their connections for their water power and sell it to the people in that vicinity.

Now I will yield to the gentleman from California.

Mr. HAYES. I wanted to ask the gentleman a question. He states that he is in favor of the development of this kind of work, and I want to ask him if he knows anybody who has ever invested any money in water-power or irrigation plants that are subject to revocable permits by the Forest Service.

Mr. FOSTER of Illinois. I do not know—

Mr. HAYES. And nobody else knows—

Mr. FOSTER of Illinois. But I know this, that so far as Congress is concerned, and I speak only for myself, I do not propose to vote away any valuable rights that will give a monopoly to people in the State of California, in the State of Nevada, or in any other State in this Union, without some power of control in the interests of the people who must depend upon that power.

Mr. RAKER. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from California?

Mr. FOSTER of Illinois. I yield; yes, sir.

Mr. RAKER. Does not the department, according to the report and the sworn evidence before the committee, state that there is no monopoly involved in this company?

Mr. FOSTER of Illinois. Oh, my friend from California says there is no monopoly there. It may be possible that there is no monopoly there in this particular case at this particular time. But I want to remind the gentleman that many times monopolies spring up just in that way, and many times men and corporations gain control of matters of that kind and in that way, in the course of a little time, one getting control from another of some valuable right, a monopoly is gradually established. Other people will come to Congress and ask that something be given them also, because something was given to this Hydro-Electric Co., if we enact this bill, and gradually those things come along because the people's rights have been taken away from them and they are no longer able to control them.

I want to remind the gentleman from California and others, too, that monopoly in this country did not come with one fell swoop, but gradually by the progressive consolidation of the smaller and single concerns of this country; a little here and a little there, one concern imitating the action of another, following a precedent that had been set, and combining, until finally they formed the great trusts of the country, so that to-day competition in the American markets is throttled by those corporations.

Mr. HAYES. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from California?

Mr. FOSTER of Illinois. Certainly.

Mr. HAYES. I just wanted to say that if the gentleman from Illinois can satisfy me that there is anything in this proposition looking to monopoly I will be against it; but I know that this is only a local proposition.

Mr. FOSTER of Illinois. I want to suggest to the gentleman from California [Mr. HAYES] that it would be very difficult, in my opinion, to convince him in this case from what he now thinks. It is my belief that this is a grant of perpetual right of way across a forest reserve for absolutely nothing and without any restrictions.

Mr. HAYES. I will say to the gentleman that I am in favor of this because I think it is a matter of justice. If a private corporation owned this piece of land, there would be no trouble about getting the right of way by eminent domain.

Mr. JAMES. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Kentucky?

Mr. FOSTER of Illinois. With pleasure.

Mr. JAMES. I want to say to the gentleman from Illinois that if there was no monopoly intended in this proposition, then this company would not be hurt by simply complying with the same regulations that govern everybody else. They ought to be willing to stand by the regulations that everybody else complies with.

Mr. FOSTER of Illinois. Yes; they should comply with the rules and regulations laid down by the department. If they do that and comply with the law, there will be no difficulty in this case.

Mr. COX of Ohio. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Ohio?

Mr. FOSTER of Illinois. Yes. I yield to my genial friend from Ohio.

Mr. COX of Ohio. Referring to the suggestion of the gentleman from California, I would like to inquire if it is not true that where there is Federal or local regulation of these public-service corporations those corporations have found that their securities obtain a better sale all over the country?

Mr. FOSTER of Illinois. I think that is true.

Mr. RAKER. Mr. Chairman, will the gentleman yield again?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from California?

Mr. FOSTER of Illinois. I do, sir.

Mr. RAKER. In this particular matter, is it not conceded by the department and by the officials of the Government and all those interested that there never yet has been another matter of this precise kind presented to the department?

Mr. FOSTER of Illinois. The gentleman means a particular case like this?

Mr. RAKER. Yes; a case in which the party that asks for the right of way owns all the water rights and all the water involved in the matter, and owns all the land?

Mr. FOSTER of Illinois. I do not know whether that is true or not. I have not examined all those cases. I do not care, however, whether that is true or not. That is not the question involved in this particular case. The question involved here is whether we shall grant to this company a perpetual right of way across a national forest reserve, on public land, and then that we shall take into consideration a lot of mining claims that have been declared by the master in chancery who took evidence in this case to be fraudulent.

Mr. RAKER. No; he did not hold that they were fraudulent.

Mr. FOSTER of Illinois. They were paper claims. While the fellow did not steal, still he was a pilferer. [Laughter and applause.]

Mr. RAKER. Did the gentleman ever know in his life a case where—

Mr. FOSTER of Illinois. No work had been done on those claims. There is no evidence, so far as I have been informed, that those claims had been taken with the idea of making them mining claims.

Mr. RAKER. Why, on the contrary, the testimony shows that—

Mr. FOSTER of Illinois. I want to say this, that these claims were bought by this company with the idea on the part of the company of getting across that forest reserve, and they wanted to get down there just as quickly as they possibly could. I expect if they could have taken up all these claims they would not be here to-day, because they would have enough paper claims to cover every strip of ground, and it would not be necessary to come here and ask Congress for relief.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSTER of Illinois. I would like to have five minutes more.

Mr. MANN. Mr. Chairman, I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes more.

Mr. COX of Ohio. Mr. Chairman, will the gentleman yield?

Mr. FOSTER of Illinois. With pleasure.

Mr. COX of Ohio. It is beyond dispute, is it not, that these lands are now used for the purpose for which they were not originally procured?

Mr. FOSTER of Illinois. That is a fact.

Mr. COX of Ohio. Is not that the gist of the whole thing?

Mr. FOSTER of Illinois. Yes; I think it is. These lands were first taken up for mining purposes, and then were sold to this company in order that the company might get its pipe line down.

Mr. RAKER. I know that the gentleman does not intend to be unfair, but here is the testimony before the court, and here are the affidavits of these men who testified that from their own

knowledge of mines they took up this land because of the gold in it, and they sold it like other men sell their property.

Mr. FOSTER of Illinois. I read from the master's report. He says:

I am entirely convinced that the great preponderance of evidence shows that they are nothing but paper locations, made with a view to obtaining a right of way for their pipe line across the forest reserve.

Why did not the gentleman from California [Mr. RAKER] make his statement to the master in chancery when he was considering this case? The representatives of this company were there before the master, as well as the representatives of the Government, and yet the master in chancery makes that kind of a statement.

Mr. RAKER. A man stated that in a letter, and the master simply had the affidavit of this man himself before the committee.

Mr. FOSTER of Illinois. Just a moment, please. I will state that the Secretary of Agriculture quotes this very language:

After a full hearing, at which the company was represented by counsel, and submitted testimony in its behalf, the master recommended that a preliminary injunction be granted.

With reference to the mining locations, he said: "On the question of good faith of these mining locations I have given the evidence and arguments of counsel the most careful consideration. I am entirely convinced that the preponderance of evidence shows that they are nothing but paper claims, made with a view of obtaining the right of way for their pipe line across the forest reserve. In my opinion the seven claims mentioned are not valid mining claims at all."

Mr. RAKER. The gentleman is reading the same thing that is in the record here.

Mr. BURKE of Pennsylvania. Will the gentleman yield?

Mr. FOSTER of Illinois. Certainly.

Mr. BURKE of Pennsylvania. If these were fraudulent claims, and that fact was known to the departmental authorities, why was this first permit granted to invest this money and make this improvement? I have not made up my mind on this bill one way or another, and I should like that information.

Mr. FOSTER of Illinois. I did not understand the question.

Mr. BURKE of Pennsylvania. If these claims on which this whole proposition is based were fraudulent in their character, it is to be presumed, I suppose, that the department had knowledge of that fact. Why, in the face of that, was the permit granted to this company to go ahead and invest its money and make these improvements?

Mr. FOSTER of Illinois. I suppose they thought they had secured the title to these mining claims.

Mr. MANN. The permit was granted under the law authorizing such companies to have rights of way through the forest reserves.

Mr. FOSTER of Illinois. They secured that permit in the ordinary way.

Mr. MANN. They could get that permit if the Government owned the property.

Mr. RAKER. I did not hear what the gentleman said about that.

Mr. BURKE of Pennsylvania. There were two permits granted in this case. There is evidently a distinction between the first and second permits. I understand the investment was made while the first permit was in existence, and before the second was asked.

Mr. FOSTER of Illinois. I think the gentleman is mistaken about that.

Mr. BURKE of Pennsylvania. Was there no investment made and no improvement during the existence of the first permit?

Mr. FOSTER of Illinois. I think not.

Mr. MANN. They laid a pipe line before any permit at all was issued.

Mr. FOSTER of Illinois. Does the gentleman mean the pipe line?

Mr. BURKE of Pennsylvania. Yes.

Mr. FOSTER of Illinois. They commenced that before they received the permit. They did not ask for it. They thought they could defy the Government and win.

Mr. HAYES. They did not think they needed it.

Mr. MANN. They thought they would absolutely disregard the law.

Mr. FOSTER of Illinois. Exactly; and they have now found themselves in trouble, so they come to Congress for relief.

Mr. HAYES. That statement is unfair.

Mr. RAKER. The gentleman is unfair in that statement. There is no fact in the record which justifies that statement.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FOSTER] has expired.

Mr. MANN. I yield 10 minutes to the gentleman from Mississippi [Mr. HUMPHREYS].

Mr. HUMPHREYS of Mississippi. Mr. Chairman, in response to the suggestion of the gentleman from Colorado [Mr.

TAYLOR], that Representatives from the North, the East, and the South are trying to throttle the development of the West, I want to read a part of the report of the Inland Waterways Commission, from which I think it will be apparent that whatever attempt there has been made to throttle the development of the West has been made not by the Representatives of the North, the East, and the South, but by the people of the West themselves.

Referring to this matter of the monopolization of water power, the report says:

A splendid illustration of the extent to which such water-power development is being monopolized is given in California, where, of numerous rights of way granted for ditches, reservoirs, pole lines, and other power purposes in three of the land districts, 65 per cent are controlled by three companies. One of the largest companies in the State is selling power in comparatively large units at 1½ cents per kilowatt hour for 24-hour service, or at about \$98 per horsepower per annum. Another consumer of over 1,500 horsepower pays 0.9 cent per kilowatt hour for 24-hour service, or at the rate of \$58.83 per horsepower year. So far as known, this is their lowest rate made to a consumer.

On four of the rivers in northern California, where there is a possible development of over 800,000 horsepower, only 20,000 has been actually utilized, while speculative water rights are held on these streams from which over 566,000 horsepower could be developed, or, in other words, 75 per cent of the power possibilities on these streams have been alienated from public ownership and less than 2 per cent utilized for useful purposes.

In view of that statement, I say that if there is any attempt being made to throttle the development of the West that attempt is being made, and successfully made, by gentlemen who are engaged in these enterprises in the West, and particularly in California. [Applause.]

The extent to which the control of such plants is passing into the hands of a few of the larger companies is also well illustrated in California, where four of the largest companies have a combined capital of \$55,000,000 and operate 30 hydroelectric plants and 18 steam plants. The largest one of these companies supplies power to 26 individual lighting companies and 12 electric railway companies, in addition to a number of cities and towns where it has its own substations.

North of Bakersfield, Cal., there are now in operation hydroelectric plants with a combined capacity of over 150,000 horsepower, while south of this point there are about 50,000 horsepower more, making a total of over 200,000 horsepower in the State.

And so when the Secretary of the Interior or the Secretary of Agriculture asks that these people, before they be permitted to cross this narrow strip of Government land, subject themselves to reasonable regulation in order that they may not discriminate against individuals, in order that the service and the rates may be reasonable, in order that the waste energy may be developed, in order, in other words, that there may be no throttling of development, this company comes, and it is not the only one that comes, and protests that its rights are being infringed. The gentleman asked a few minutes ago if there was a parallel case. There are many. In the hearings before the National Waterways Commission Secretary Fisher appeared, and this colloquy occurred:

The CHAIRMAN. Complaint was made yesterday of one case where a large water power was developed, but they were unable to take transmission lines over a section of land in the public domain and maintained that it was an unwarrantable hardship.

So that this is not the first time that the complaint has been made to the Secretary of the Interior. This is not the first time that complaint has been made to the officials of this Government that an unwarrantable hardship was being imposed because a company that desired to develop water power wished to cross a section of the public domain and were not permitted to do so unless it would submit to reasonable regulations.

I call attention now to Secretary Fisher's further testimony, which briefly covers this whole question, and, in my opinion, covers it much better, certainly, than I can cover it:

Secretary FISHER. I think those people were talking with me.

This is not this company. This was the Great Falls Power Co. of Montana, and that accounts for the pocketful of telegrams the gentleman had; it accounts for the telegrams the gentleman from South Carolina had and the pocketful of telegrams the gentleman from Wisconsin had, because this is not a unique case. The case here is the case in many instances, and it is the case of the interests that are behind this matter, and which hope by the passage of this bill that they will break down the law. That is the reason so much interest is being manifested here. We all know they do not care about the payment of \$75 a year.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. RAKER. A permit granting these people the right to use the water as provided for in the bill is not a perpetual right, as stated by the gentleman. It goes only so long as it is used for a beneficial purpose, and that only. Would the fact of giving them this right to use this property under the particular circumstances affect any other living human being on earth?

Mr. HUMPHREYS of Mississippi. Yes; it will affect all the other living human beings, in my opinion, who come within the range of the operations of this and similar enterprises.

Mr. RAKER. The gentleman does not refer to these people in regard to this project?

Mr. HUMPHREYS of Mississippi. That is what I said, and when I read this case gentlemen will see it is absolutely on all fours with the one before us, and a thousand others. Secretary Fisher said:

The situation is this: Certain individuals at a time when public opinion was not sufficiently aroused and when we were giving away nearly everything we had without regard to immediate development, located certain land at an advantageous situation on a very considerable stream, and they acquired these rights and passed them on through successive grantees, each one adding some substantial profit to it as it went along, and finally the present holders had to buy this private property at a considerable price.

There is no parallel as to price, I think. The testimony here is that these gentlemen got it for \$6 and sold it for \$10, perhaps.

Mr. RAKER. Mr. Chairman, the gentleman is mistaken about that. The testimony shows that they have paid \$280,000 already upon this project.

Mr. HUMPHREYS of Mississippi. Then it is absolutely parallel to the case that I am reading—that is, "that they had to buy this private property at a considerable price." He continues:

We have no control over it at all; we have reserved no right of regulation; they have kept out of regulation by not occupying any street or highway. They have purchased a private right of way. Apparently, they propose to follow a policy which will free them from all effective regulation. They wanted to get from it what advantage they could, subject to commercial conditions, by their having got into this situation before proper principles regulating this matter had been adopted.

Now, I desire gentlemen to listen to what follows, and see what possible objection can be made to what the Secretary told these people, to what he said to the great Falls Power Co., in Montana, and to what he has said to the Hydro-Electric Co. here and to everybody else. He said:

That is all right; I can not interfere with that. You have certain vested rights, and you are entitled to them, and as long as you stay within them I can not correct the mistakes of the past; but you ask me if I will grant you a permit over the Federal domain, and I say yes, on one condition, that you come under the kind of regulation you should have come under from the beginning.

[Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Chairman, the people of the West have complained and are complaining on account of the conservation policy of this Government. The people who are interested in this particular project and who are seeking the remedial legislation provided in the pending measure have invested their money in good faith. They have the undisputed right to run an open ditch across a portion of this national forest reserve without let or hindrance. That has been repeatedly asserted upon this floor during this discussion. Some of the gentlemen, in opposing the pending bill, have stated that the matter of paying \$75 a year is inconsequential, and that the company ought not to hesitate to pay it. I recall a time when a commission representing this Government abroad, proclaimed it to be the policy of our countrymen to refuse to pay a single cent for tribute while they were willing to spend millions for defense.

Mr. MANN. That still holds true.

Mr. KAHN. No doubt the owners of the Hydro-Electric Co. refuse to pay the \$75 on the ground that it is equivalent to a demand for tribute. The people who are interested in this matter have been charged with being in the Water Power Trust. I know many of them personally. I know Mr. Metson, who, I believe, is the largest shareholder in the company. He is a self-made man. I shall place in the RECORD a letter which he wrote me in regard to this matter, in which he sets forth in full his connection with the company.

Mr. Chairman, I assert that the conservationists of this country are standing in with the Water Power Trust and the Coal Trust. They are intrenching monopoly in many sections of the country. They are putting obstacles in the way of the legitimate development of enterprises in the West.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN (Mr. FOWLER). Does the gentleman from California yield to the gentleman from Illinois?

Mr. KAHN. I yield to the gentleman.

Mr. MADDEN. I just wanted to ask the gentleman if he is willing to admit that there is litigation pending between the Government of the United States and the Hydro-Electric Co.?

Mr. KAHN. I am not informed upon the subject, I will say to the gentleman.

Mr. MADDEN. Then, the gentleman does not know that there is litigation?

Mr. KAHN. I do not.

Mr. MADDEN. Does the gentleman know that there has been an injunction issued against this company?

Mr. KAHN. I have heard something of that sort, but I have not gone into that fully, and I am simply trying to speak now upon the general subject of conservation.

Mr. MADDEN. Does the gentleman know that the Government of the United States has expressed a willingness to let this company use the right to cross the Government domain pending the settlement of the litigation?

Mr. KAHN. I understand that they want \$75 a year for the use of the land.

Mr. MADDEN. That the Government is willing to let them go on and use the right to cross that very piece of land, and will not interfere with their business pending the settlement of the litigation?

Mr. KAHN. I understand that is the case, provided the company pays \$75 a year. The Government wants to give them a revocable permit.

Mr. MADDEN. If that is true, and the company is not willing to take its chances on whether what it claims to have is just or unjust by the settlement of the litigation, does the gentleman think that in the face of the offer of the Government of the United States to waive all rights pending the settlement of the litigation, the legislation that is sought to be enacted here ought to be passed?

Mr. KAHN. Mr. Chairman, I am not fully informed in regard to the litigation. I say that frankly to my friend from Illinois. I want to call the attention of this committee to some facts in connection with the so-called policy of conservation. A power company, for instance, has been organized in the State of California. It has expended millions of dollars in perfecting its plant. Possibly 10 years will go by before a single dividend is paid. Millions of dollars are invested, but the company started and completed its enterprise before this conservation theory had obtained a foothold in the United States. After many difficulties and hardships it is able to deliver power to the cities near the seacoast after transmitting the power upward of 200 miles, the power being developed in the foothills of the Sierra Nevada Mountains. I believe I can say truthfully that California is the pioneer State in the matter of long-distance power transmission.

Mr. COX of Ohio. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Mr. Chairman, I can not yield at present, as I have not the time. This original company does not have to pay a 5-cent piece other than taxes to any State or county or to the Federal Government. It owns its own power site and its own right of way for transmitting the power to the consumers. It is not regulated by anybody. Say that 100 or 150 miles from this developed power site there is another power site equally capable of being developed. A national forest reserve has been placed around it—a forest reserve or a forest-ranger station—so that you can not deliver your power from that power site without crossing the forest reserve or the forest-ranger station. Under the conservation policy you can not get a perpetual right of way across the Government domain. You can only get a lease for a limited number of years. You must pay tribute to the Government in the shape of an annual rental. The amount of this rental is subject to a raise every time a new lease is entered into. There is no doubt in my mind but that the fixing of the amounts in the years to come will lead to friction and difficulties. What has been the consequence? Nobody has been willing to develop new power sites under such conditions, and the original company, through the misdirected efforts of the conservationists, has obtained an absolute monopoly.

Mr. JAMES. Mr. Chairman, will the gentleman yield for a question?

Mr. KAHN. I would like to yield to the gentleman, but I have not the time. There is nobody who will develop a new power site under such conditions. It is the same with your coal lands. Gentlemen who were rabid conservationists at the beginning seem to recognize this fact. Let me read this from Senator LA FOLLETTE's weekly, recently published:

WISE USE, NOT FOOLISH DISUSE.

True conservation consists not in hoarding our resources, but in using them properly. Our water powers running night and day from year to year without turning a wheel are of no value to the public. To permit the mature trees of our forests to rot in waste is not conservation. To deny to this generation the advantage of the proper development of our coal fields and other mineral wealth is to deny to them participation in the benefits which rightly belong to them. The problem before us is not to hoard our resources, but to develop them in such a way that the benefits flowing from development will inure not to a few men, but to the rightful owners—all the people of the United States.

Mr. Chairman, it is true that there is no sense in hoarding our resources. It is true we ought to use them properly.

I do not subscribe to the doctrine of Government ownership of these utilities, however. I am opposed to that. I believe private capital ought to be allowed to develop them. I hope to see a law enacted by Congress which will allow private capital to develop these water-power sites and the coal fields, upon an express condition that if the company which is given the right shall combine with any other company, either by sale of stock or in any other way, for the purpose of limiting output, controlling prices, or dividing the territory in which the companies are to operate, the right granted by the United States for the development of those resources shall be revoked and all of the property of the company which has taken the grant under those conditions ought to be forfeited to the Government of the United States. I believe such a policy would permit development. I believe such a policy would break up the monopolies. But these power sites and coal fields should not be held up as they are held up to-day. They should be developed for the benefit of the people of the West and the people of the country generally. [Applause.]

Mr. Chairman, I am somewhat amazed at the attitude of a number of my friends from the Middle West upon this policy of conservation. They seem to forget the conditions under which their own States were settled and developed. While the Government has constantly maintained its position of trustee for all the people over the great areas of fertile lands in the Middle Western and Western States, it has welcomed the homesteader and the settler who were willing to acquire 160 acres of Government land at the nominal cost of \$1.25 per acre. In that way the great West was developed and populated. In more recent years, when the supply of desirable agricultural lands became limited, Indian lands were acquired by the Government, and they were likewise thrown open to homesteaders upon easy terms. We are all proud of the upbuilding of the magnificent Commonwealths of the Mississippi Valley. We glory in their prosperity. We wish them unmeasured success. They have had a glorious past; we believe they will have a still more glorious future. But suppose, after one-half, or even two-thirds, of the rich agricultural land that is found in each one of those States had been allotted to homesteaders some conservationist crank had held up his hand and in stentorian tones had exclaimed: "Hold on! We must not grant any more of these lands to prospective settlers or homesteaders. The Government must issue no more patents to the land that is still vacant. If any more farmers want to develop this unoccupied land we will lease it in 160-acre tracts, say, for 30 years, and at the end of that period we will enter into new leases with the lessees. The Government must get revenues for these lands for the benefit of all the people of the United States."

Mr. Chairman, does a single Member on this floor believe that the development of the West would have been as rapid or as marvelous as it has been? Does anyone believe that the farmers who would have leased the lands could compete with the farmers who held their land in fee simple? I do not think so.

And yet, in my opinion, the leasing of Government land to homesteaders is exactly analogous to the proposition of leasing power sites or coal fields to prospective developers.

Sir, the owners of the Hydro-Electric Co. ought not to be burdened with unnecessary expenses in the development of their enterprise. They are not identified with any power-site monopoly. They have invested their money in good faith, as I stated at the outset. They have an absolute right of way in an open ditch. Surely the interests of the Government will not be affected adversely if the open ditch give way to a covered pipe line. In conclusion, I desire to offer the following letter from William H. Metson, Esq., who states the position of himself and his colleagues in regard to the pending legislation:

SAN FRANCISCO, CAL., January 12, 1912.

HON. JULIUS KAHN,
House of Representatives, Washington, D. C.

DEAR SIR: I note that the newspapers quote Mr. Gifford Pinchot as saying the Hydro-Electric Co. is dominated by a trust and that House bill No. 12572 is in the interests of the water-power grabbers. Therefore this letter.

I am mainly responsible for the Hydro-Electric Co. and have invested all the money I could raise in it.

In my childhood I spent some years in Esmeralda County, Nev., and Mono County, Cal.; then lived in Gold Hill, Nev., until I graduated from the high school there. In 1880 I went to Senator Patrick Reddy at Bodie, Mono County, Cal. There I became acquainted with a young man named J. S. Cain. Later I came to San Francisco with Senator Reddy, Cain remaining in Bodie.

In the late eighties Cain and I made investments in mining property in Bodie and continuously thereafter extended our investments in mines at Bodie and Aurora, Nev., and also in other properties near there.

Our mines were so low in values that using wood as fuel no profit could be made. Therefore, for more than 20 years these mining properties remained unworked. Interest was eating us up and we had to do something to extract and work the ores. Finally we purchased the

Goleta property, near Mono Lake, about 30 miles from Bodie, paying about \$40,000 for it.

This Goleta property had been operated in 1879 or 1880 and the years thereafter by water from Lundy Lake and Mill Creek, carried through a ditch, mainly over patented lands owned by the Goleta Co., but partly through the Government domain, through a ditch along a steep hillside. This ditch was constantly breaking and making big cuts and washes down the mountain side at each break.

We changed the plans slightly and shortened the line and inclosed the water in a pipe, which was buried beneath the surface of the soil. This pipe for about 3,800 feet crosses mining locations on public lands which were then and are now owned by the Hydro-Electric Co.

That is the crime (?) for which I understand I have been and am to be denounced by Mr. Pinchot and his friends.

Upon the completion of our plant last year it was, within a few days after commencing operations, completely destroyed by a snowslide, and eight men were killed in the calamity. We pocketed our losses, rebuilt it, and have carried the wires to Bodie, Aurora, Lucky Boy, and other mines in Nevada.

This whole plant has been built on and across a country barren of vegetation and desert in character. With electricity we are getting these mines producing and can and have created taxable property for ourselves, and the surplus power we are trying to sell to other miners who, like us, will be unable to operate except because of our plant, or some similar one.

Nothing was further from our thoughts than to violate any principles of "conservation." Nothing was further from the fact, and you know it, and that I am not or ever have been in any trust, subservient to any trust or anyone else. You have known me since I was a boy and know of the struggles and hardships that I have undergone. You, as well as anyone, know that I never have been afraid or ashamed to look any man in the eye; that I have my own pronounced opinions and that I never have evaded an issue; that I never have been charged with dishonesty, being subservient, or crooked.

I have never run for office, but have for years and am now in an office of honor and trust. I have been appointed by different governors, both Republican and Democratic; by mayors, Republican, Democratic, and union labor, and all without solicitation. Two of the governors, James H. Budd and James N. Gillette, were Members of Congress.

For the other end of this controversy, as I understand it, the law of Congress is that forest reserves may be laid down over timbered land or land covered with undergrowth, or to protect watersheds, and none other. The original forest reserve went to the eastern extremity of the timbered land and the headwaters of streams. Later, for a strip about 150 miles long, extended easterly over the easterly slope of the Sierra Nevada Mountains, over a country that is not timbered, over a country where no protection could be had under the law, but where a force of about 30 forest rangers are drawing their pay from the Government and ruining the sheep, cattle, and mining industries, charging sheep and cattle so much per head and charging miners for the stumps of playon trees that were cut in the sixties a dollar and a half per cord. These men are drawing their pay from the Government and imposing upon these industries for part of their pay, the balance coming out of the general fund. What credit is it to an officer of the Government who takes an oath to obey the law to thus violate the law? What credit is it, too, for these men who should be in the timber where there are fires (for the purpose of preventing and putting out fires), instead of building up a bureau to ride people who have been endeavoring to keep within the law, and have been putting their money and talents to create taxable property?

In many counties of this State so much land has been withdrawn under these forest reserves, is now tied up with the Federal Government. Under the new taxation laws in California, God knows how the poor farmer or rancher is going to live.

As for Mono County, isolated as it is from transportation, the farmer subsists, depends upon his sales to mines and those dependent upon the mines, and the mines are taxed harder than is any other property in the State; and yet the Federal Government, playing the dog in the manger, acts in direct violation of the law, and because they have put a forest reserve over that which is not a forest reserve, as a pretense and a sham, are pretending that their principles are being violated. Their principles! God save the mark!

But I have no right to impose thus upon you, and I want to say to you that I am not asking a favor from Mr. Pinchot or anyone with his opinions. I want that which is right, and if I am wrong will take my medicine. I would rather get licked fighting for what I consider is conscientious and proper than to win hiding behind false pretext and shams which are put forward masked as if they were really justice and the law.

Very respectfully, yours,

W. C. METSON.

Mr. MANN. Mr. Chairman, how much time is there remaining on the two sides?

The CHAIRMAN. There are 27 minutes remaining on the side of the gentleman from Illinois.

Mr. MANN. How much on the other side?

The CHAIRMAN. Thirty-four minutes.

Mr. MANN. I hope the gentleman from California [Mr. RAKER] will use some of his time.

Mr. RAKER. I yield 10 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, I did not expect to discuss this bill. The time had all been allotted, and I only obtained the opportunity because a gentleman who was to have spoken has not appeared. I hesitate to discuss it for 10 minutes, because it is utterly impossible in that length of time to present the matter before the House as it should be.

The gentleman from North Carolina [Mr. GUDGER] just a moment ago asked the gentleman from California [Mr. RAKER] why these people were asking a special act for a right of way if there is a general act which gave them the right? That question was very pertinent, and upon the answer to that question the entire matter before the House hangs. The fact is that there are four laws on the statute books of the United States under either of which these people may justly claim a

right of way. The question has been asked repeatedly why they did not accept the revocable permit. The revocable permit only lays reasonable restraints and conditions upon them, it is said. Why not accept it? The restraints and conditions contained in the revocable permit may not be objectionable from anybody's standpoint if they are required by the proper authority.

Mr. LENROOT. Will the gentleman yield?

Mr. MONDELL. I am sorry, but I have only 10 minutes. No restraints are placed upon them that are not under the State's statutes. But it is a revocable permit. Any Secretary may at any moment of time—by reason of the fact that the pipe line runs 3,000 feet across an alleged national forest—take away all their rights, paralyze their industry, occupying, as it does, many miles of territory and with great lines reaching 50, 60, and 75 miles in various directions. That is why they do not want to accept a revocable permit.

The question before the House in this case is this: Does the Congress desire that the citizens of the United States shall have the rights which Congress itself has granted them, or does the Congress desire to put itself in the attitude that because a peculiar condition has arisen with regard to an effort to secure the rights which the law grants, whereby people have been denied those rights, the Congress shall place itself in the attitude of aiding and upholding those who have been instrumental in denying the right which the Congress itself has granted? That is the situation. Do you want these people to have the rights which Congress said they should have, and all others like them under similar conditions and circumstances, or do you unite with those who say that a condition having arisen and construction having been given to the statutes under which they may be denied those rights, we shall join in that denial?

The act of 1866 clearly gives these people their right of way, and the predecessors of the present company could at any time have asserted that right prior to the time when the forest reserve was flung across the narrow section of this ditch line. Then there came the act of 1891, which clearly gave these people or their predecessors a right of way beyond a question, but there was a peculiar construction of that law to the effect that if the party asking for the right of way was not a company wholly engaged in irrigation that the right of way might be denied.

The Supreme Court remedied that kind of a decision, and Congress, following the Supreme Court, passed another act intending to give the right to those who might not be wholly engaged in the business of irrigating land. The company may be guilty of laches for not having asserted its rights under these acts, but they felt that the right having been denied others, it was useless for them to attempt to secure it. Then came the law of 1905, the act transferring the forest reserves from the Interior Department to the Agricultural Department, providing for rights of way for those engaged in the mining and milling of ores, but rights under this act are denied because some of the power is to be used for the same purpose by others. And so, first on one pretext and then on another, the will of Congress, as clearly expressed, is from time to time so thwarted by departmental decisions that these people are denied the rights which the Congress intended they should have. And how, finally? By an act which in itself was illegal; for the inclusion within a forest reserve of lands untimbered, unfit for forest growth, not necessary or useful for the conservation of water supply, is an illegal act, and whoever includes such lands within a forest reserve is doing it in violation of law. And yet a limb of this forest reserve was thrown across this barren, untimbered land, just far enough, and not an inch further, to take in the only tract of land along the company's entire line with regard to which there could be any question as to the right of way.

I do not know whether these are bona fide mining claims or not. It is said that they had a road laid out which ran up a hill. That only illustrates the desperation, if it illustrates anything, of men endeavoring to carry out an industry and who find themselves interfered with, their industry halted, by a departmental denial of their rights. If the forest reserve had not been thrown across this section of their ditch line, this case never would have been here. It never ought to have been thrown across their land. It is not properly included in the forest reserve.

There is no question of monopoly involved, much as gentlemen may endeavor to make it appear that there is; no question of proper public control, but just the simple question, Do you propose to give these people the rights they are now entitled to under the law?

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERRIS. Mr. Chairman, I suggest that the gentleman from Illinois [Mr. MANN] use the rest of his time.

Mr. MANN. I expect there will be only one speech further on this side, and I do not care to have several on the other side follow. The gentleman may proceed.

Mr. FERRIS. Is there any further debate?

Mr. MANN. Yes; there is to be further debate. I have only 20 minutes left. I expect to conclude with one speech.

Mr. FERRIS. I hope the gentleman will make that speech.

Mr. MANN. I do not want two or three people to follow.

Mr. FERRIS. The gentleman has had twice as much time to-day as we have had.

Mr. MANN. We did not have nearly as much last Wednesday as you had.

Mr. FERRIS. That is true.

Mr. MANN. It is customary for the gentleman to proceed at this juncture, and if he has several speakers, to let them in. We are perfectly willing to let the gentleman close the debate.

Mr. FERRIS. I yield 10 minutes to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Chairman and gentlemen of the committee, there have been some matters stated here with regard to the position of this company and with regard to the facts that are not borne out by the record. They have been widely stated and seriously stated, and I base that by the record that lies upon the table. Now, it is easy to make statements, but it is not always easy to prove them.

In reference to these men who made the mining claims, I want to call your attention to an affidavit. It is the only evidence with the testimony before the commissioner that would support the commissioner in chancery, and it is the evidence of these men themselves. He only took the evidence of the corporation in this case of the owners, and because, as I have stated, they filed on these mining claims, because they tried to build a public road, ipso facto, and for that reason alone this man who never tried a water case or a mining case, according to the record, in his life, because the Government was pressing the case, decided contrary to every rule of law, contrary to every decision that has ever been rendered, that these men for that reason had lost their rights. We have a right to criticize this ruling, and without any reflection to the honorable gentleman who was the commissioner. This I say in all good faith.

It has been stated here that these men were interlopers there. I hold a copy of the affidavit of Frederick B. Mattly, who has lived in that country for years, who states that he has been familiar with that particular tract of land since 1880; that he has been a practical miner and a farmer, living down on the eastern side of this region; that there are tunnels in this mining land to-day, made by older prospectors; that, by virtue of the conditions that happen in that country, they moved out and moved away. The best mines that exist in the world to-day are those that have been discovered and worked, upon which men have spent fortunes and then left those mines to others who have taken up the work in their places. These men go there and make these filings, and from the affidavit, a copy of which I hold in my hand, Mr. Mattly states that there is a sufficient amount of mineral in place and affiant to justify a reasonable and prudent man in spending his money upon these claims; that they might be developed and made valuable. I ask leave to submit this affidavit as part of my statement at this time—that is, to go into the RECORD and not to be read in my time.

The CHAIRMAN. The gentleman from California [Mr. RAKER] asks unanimous consent to insert an affidavit in the RECORD as a part of his remarks. Is there objection?

There was no objection.

Following is the affidavit referred to:

IN THE CIRCUIT COURT OF THE UNITED STATES, NINTH CIRCUIT, NORTHERN DISTRICT OF CALIFORNIA.

AFFIDAVIT IN RESPONSE TO ORDER TO SHOW CAUSE.

United States of America, complainant, v. Hydro-Electric Co., a corporation, defendant.

UNITED STATES OF AMERICA,

Northern District of California, County of Mono, ss:

Frederick D. Mattly, being first duly sworn, deposes and says:

Affiant is a resident of Jordan, Mono County, Cal., and not a party to nor interested in the above-entitled suit.

Affiant has been a practical miner in and around Mono County since 1888, and is, and for many years last past has been, thoroughly familiar with the mining industry and mineral deposits and the development thereof in and around Bodie, and Lake Lundy, and Mono Lake, and the territory between those places in Mono County, Cal., and particularly with all the lands described in the bill of complaint in the above-entitled suit; and affiant says that he is thoroughly familiar with said lands and the lands immediately thereon surrounding, by reason of having many times prospected and examined the same.

Affiant is familiar with the mining tunnels and underground workings upon the Golden Eagle, Apex, Paraclete, and Iron Mountain mining claims, which are now patented and which lie immediately northward of said lands in said bill of complaint described, and affiant says that such tunnels and underground workings have there been opened and operated extensively upon three different levels, and such workings there disclosed valuable deposits of gold, silver, and copper in rock in place.

Affiant says further that he has examined and is familiar with Exhibit A attached to and filed with the above-named defendant's response to the order to show cause in the above-entitled suit, and that on the 1st day of January, 1910, he (affiant) located claims as follows: "Mattly mining claims, Nos. 1 to 10, inclusive, as shown upon said Exhibit A, and upon said day plainly marked the boundaries of each of said claims upon the ground and posted thereon and upon each thereof notices of such location and the description thereof, and within five days thereafter filed for record and caused to be recorded with the county recorder of the county of Mono, State of California, full, true, and accurate copies of each and all said locations.

Affiant says that prior to the making of said locations he prospected and examined all said land, and that said locations were made because of the fact that affiant found and discovered upon such locations float and other evidences of mineral and of valuable deposits of gold in place sufficient to justify a reasonably prudent miner in the expenditure of his time and money thereon in the hope of developing thereon and upon each thereof a paying mine.

And affiant says further that from his training and experience as a practical miner, and from his examination and study and discoveries upon all said mining locations, and by reason of his knowledge and study of the said Golden Eagle, Apex, Paraclete, and Iron Mountain patented claims, and by reason of his prospecting, study, and examination of the Halley, Wolf, Eagle, Lone Pine (also designated and known as Pine Tree), High Grade, Johnnie Con, and Sunlit mining claims as designated upon said Exhibit A, and by reason of his knowledge, study, prospecting, and examination of the formation and mineral evidences and mining operations in and around said territory, affiant is of the opinion that one or more lodes or veins bearing valuable deposits of gold in place passes across, through, and under all said claims; and affiant is further of the opinion that all said claims contain valuable deposits of gold in ample quantities and quality to justify a reasonably prudent miner in the expenditure of his time and money upon each thereof in the hope of developing a paying mine thereon.

Affiant says further that in making each and every of the locations made by him as above set forth he acted upon his own initiative for the reasons above set forth, and not at the request or suggestion of any other person whomsoever.

Affiant says further that he has thoroughly examined the dotted ditch line indicated upon said Exhibit A, and marked and designated "Old Coleta power ditch"; and affiant says that he saw, knew of, and well remembers the construction and use of said ditch; that said ditch was constructed by the Coleta Consolidated Mining Co. about the year 1893 or 1894; that such of the lands crossed by said ditch as are described in the bill of complaint in the above-entitled suit were then, and were for many years thereafter, open, unappropriated, unreserved public lands of the United States; that said ditch was used and utilized for the transmission of water as a canal and ditch almost continuously from about the year 1894 until about the year 1902 or 1903; that during said time said ditch was used continuously and was continuously filled with water, which water was utilized and used for the purpose of irrigation, and for the purpose of generating power (not electrical power), and for mining, milling, and the reduction of ores.

FREDERICK D. MATTLY.

Subscribed and sworn to before me this 31st day of August, 1910.

[SEAL.]

W. H. SMITH,

Deputy County Clerk in and for the County of Mono, State of California.

Mr. RAKER. I do not permit any man to stand stronger than I do on the question of conservation, the protection of our natural resources, the protection of the timber that is in the mountains, in order that the property may be used in the interest of the common mass of the people. There is no man who stands any stronger than I do and have done since I have been in public life and in private life as against the corporations controlling this country. It is all right to make a statement and bring facts before the country and make them applicable to cases, and then come upon the floor of this House and upon the public platform and characterize them as buncombe, to try and make the people believe that you are in favor of controlling monopolies, while yet you are in favor of giving them anything they ask. There is no man within the sound of my voice to-day that would vote for a law that would direct or authorize the Federal Government to go into every State and district ad libitum and examine the books and papers of the concerns in control and fix the prices upon utilities. There is no man in this Congress who believes in that.

Mr. JAMES. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Kentucky?

Mr. RAKER. I do.

Mr. JAMES. In the bill that is now under consideration, which the gentleman introduced, you have no provision to the effect that this land should revert to the Government in case this water-power company should form any unlawful trust or combination.

Mr. RAKER. Yes; absolutely.

Mr. JAMES. Where is it?

Mr. RAKER. Let me have the bill. Here it is. I state this as an attorney who has given this subject his experience, and all that I have had is in mining matters and water rights for over 30 years. It is upon lines 5, 6, and 7, "for its pipe line during the period of its beneficial use only."

Mr. JAMES. What is that? The gentleman does not think that that—

Mr. RAKER. I have not got through. Now, added to that and as a part of this, the State of California passed a constitutional amendment and the legislature passed its bills, by which the State itself makes a physical examination of every corpora-

tion's property and regulates the price at which they sell their commodities and determines whether or not they shall issue stock, and that there shall be no monopoly involved in regard to any public-utility matters.

Mr. JAMES. Mr. Chairman, I would like to know if the gentleman seriously contends before this committee that the words that he has just read, "for its pipe line during the period of its beneficial use only," would be construed to prohibit or prevent monopoly or would make this land revert back to the Government when they should create a monopoly? And I confidently assert that there is nothing in the gentleman's bill, either the part that he read or otherwise in the bill, that would make this property revert back to the Government in case a monopoly was established or which prevents a monopoly or trust.

Mr. RAKER. Well, if it is not used for the beneficial use of the public it reverts. Next, the State of California has passed a law, as I stated, that covers the situation. There is no question of doubt on earth about it.

I want the gentleman's answer, before I get through, upon this question: These people own the water right, all of it. These people own all of the land except the 3,800 feet which they desire to cross. Is there any law at any time or under any circumstances that provides that the National Government desires to tax private individuals for using their own water rights and using their own land?

Yet in this case the water has been running to waste. This company desires to utilize it, conserve it, by putting it in a closed pipe and conserving it to the extent of 15 to 25 per cent, then putting it in a power-pressure pipe, in order that they may directly divert it to their mills and return it back for use in their mines. It is held that therefore they must pay a tax for the land that they own, for the water rights that they own, to use the property that they now own, because they desire to run across this land from an open ditch to a closed pipe line sunk into the ground and covered from 1 to 5 feet deep.

Now I yield to the gentleman from Kentucky.

Mr. JAMES. Is there such a water company in the State of California as the General Electric Power Co.?

Mr. RAKER. I do not know.

Mr. JAMES. Is there not a water company of California that is understood to have a monopoly of the water power of all of northern California?

Mr. RAKER. I do not know. This is an independent company. There is no possibility of a monopoly. The Government officials have so reported.

Mr. JAMES. I am asking the gentleman: Is there a company known as the General Electric Power Co.?

Mr. RAKER. I do not know.

Mr. JAMES. Does the gentleman know whether or not the Hydro-Electric Power Co. is owned in any part by this company?

Mr. RAKER. All I know of it is from a telegram and a statement from a party here. I was informed that they were interested and I made inquiry, and I have the answer here that it is absolutely not the fact.

Mr. JAMES. That is merely a telegram that the gentleman has received, but the gentleman can give the committee no statement upon authority such as that of the stockholders?

Mr. RAKER. Yes; I can.

Mr. JAMES. That this company is not part of a monopoly already in existence in California?

Mr. RAKER. Yes; I can answer that by stating the record of the attorneys of the company, that there is no monopoly in it, and that the character of these people is excellent.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, if there is no objection, I wish to yield five minutes to the gentleman from Wisconsin [Mr. Cooper].

Mr. FERRIS. I yield first three minutes more to the gentleman from California [Mr. RAKER].

The CHAIRMAN. The gentleman from California [Mr. RAKER] is recognized for three minutes more.

Mr. JAMES. Is it not true that the gentlemen concerned in this bill are asking us to enact a particular law that will give them exemption from the law of the United States that applies to every other power company in this land and are asking us to give to this company a privilege that is denied to every other corporation in the United States?

Mr. RAKER. No. If that were the fact, I would be opposed to the bill. If it gave them any right different from what is given to any other company, I would not be here advocating the enactment of this bill, although I have introduced it.

Mr. JAMES. Is it not true that the chief objection of this company to a compliance with the law as it now stands and

the chief reason for the passing of this bill is that section 12 of the permit issued by the Government provides that if they go into a trust or a monopoly or a combination, this pipe line shall cease to be their property and the right to use it shall be denied?

Mr. RAKER. Oh, no.

Mr. JAMES. And the further right under that permit is reserved to the Secretary of Agriculture to examine their books and see whether a monopoly has been attempted by them, or whether there is oppression used upon the public in the charge for water?

Mr. RAKER. Oh, no.

Mr. JAMES. Those things are in the permit which the gentleman's company wishes to avoid.

Mr. RAKER. The gentleman may have stated the substance of it, but not the language accurately.

Mr. JAMES. Of course, those stipulations are expressed in a better form, no doubt. I was stating them offhand.

Mr. RAKER. Mr. Chairman, it is charged that there is monopoly involved in this company, when, as a matter of fact, this plant is 60 miles away from a railroad and it runs its own business. The Government has determined that there is no monopoly in it and—

Mr. JAMES. In order that there may be no dispute between the gentleman and myself as to these provisions in the permit which the Government requires, Nos. 12 and 13, I ask unanimous consent, Mr. Chairman, that they be inserted in the RECORD, following the remarks of the gentleman, so that it can be seen which of us is right.

Mr. RAKER. The gentleman did not give quite the purport of them, and I think the best way is to give them entirely.

Mr. JAMES. I simply tried to give the gist of them. I ask unanimous consent, Mr. Chairman, that sections 12 and 13 of these water-power stipulations be inserted in the RECORD.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to insert the provisions he has named in the RECORD. Is there objection?

There was no objection.

Following is the stipulation referred to:

[United States Department of Agriculture; Forest Service.]

WATER-POWER STIPULATION.

The Hydro-Electric Co., hereinafter called the permittee, a corporation organized and existing under and by virtue of the laws of California, and having its office and principal place of business at San Francisco, having applied for a temporary permit to occupy and use certain lands of the United States within the Mono National Forest for the construction and use of a conduit or pipe line to conduct water for the generation of electric energy, under the provisions of the act of Congress approved February 15, 1901, does hereby, in consideration of the granting of the said permit, stipulate and agree as follows, to wit:

1. To pay in advance on the 1st day of January, 1911, and on the 1st day of January of each year thereafter, to the First National Bank of San Francisco (United States depository), or such other Government depository or officer as may hereafter be legally designated, to be placed to the credit of the United States, the sum of \$75; and in case this temporary permit shall be superseded by a final permit, in such form as the Secretary of Agriculture may prescribe, such payments shall be credited to the permittee and be applied to the charges due or to become due under the said final permit.

2. To pay in advance, as required by the district forester, to the said national bank, or other United States depository, to be placed to the credit of the United States, the full value of all merchantable, live, and dead timber to be cut, injured, or destroyed, in the construction of said works, title to which, at the time of said cutting, injury, or destruction, is in the United States, such full value to be deemed and taken to be the value fixed by the district forester, according to the scale, count, or estimate of the forest officer or other agent of the United States in charge of said scale, count, or estimate, and at the price which shall be the prevailing stumpage price for similar material on said national forest at the time of said cutting, injury, or destruction.

3. To pay, on demand of the district forester or other duly authorized officer or agent of the United States, to the said United States depository, or other authorized officer as above set forth, full value as fixed by said district forester, or other duly authorized officer or agent, for all damage to the national forests resulting from the breaking of, or the overflowing, leaking, or seepage of water from the works constructed, maintained, and [or] operated under the permission applied for, and for all other damage to the national forests caused by the neglect of the permittee or of its employees, contractors, or employees of contractors.

4. To dispose of all brush and other refuse resulting from the necessary clearing of or cutting of timber on the lands occupied and [or] used under the permission applied for, as may be required by the forest officer in charge.

5. To protect all Forest Service and other telephone lines at crossings of and at all places of proximity to the transmission line in a standard manner and satisfactory to the forest officers and to maintain the line in such a manner as not to injure stock grazing on the forest.

6. To do all within its power and that of its employees, contractors, and employees of contractors, both independently and upon the request of the forest officers, to prevent and suppress forest fires.

7. To build and repair roads and trails as required by the forest officer, or other duly authorized officer or agent of the United States whenever any roads or trails are destroyed or injured by the construction work or flooding under the permission applied for, and to build and maintain suitable crossings as required by the forest officer, or other duly authorized officer or agent of the United States, for all roads and trails which intersect the conduit, if any, constructed, operated, and [or] maintained on the lands the occupancy and use of

which have been applied for and to secure which this stipulation is filed with the district forester.

8. To install and maintain in good operating condition, free of all expense to the United States, accurate measuring weirs, gauges, and [or] other devices approved by the Secretary of Agriculture, adequate for the determination of the natural flow of the stream or streams from which water is diverted for the operation of said works, and of the amount of water used from the natural flow in the operation of said works, and of the amounts of water held in and drawn from storage, and to keep accurate and sufficient records, to the satisfaction of the Secretary of Agriculture of the above-named measurements.

9. To sell electric energy to the United States, when requested, at as low a rate as is given to any other purchaser for a like use at the same time: *Provided*, That the permittee can furnish the same to the United States without diminishing the measured quantity of energy sold before such request to any other consumer by a binding contract of sale: *And provided further*, That nothing in this clause shall be construed to require the permittee to increase its permanent works or to install additional generating machinery.

10. That the said permit shall be subject to all prior valid claims and permits which are not subject to the occupancy and use authorized by said permit.

11. That except when prevented by the act of God or by the public enemy or by unavoidable accidents or contingencies, the permittee will, after the beginning of operation, continuously operate for the generation of electric energy the works constructed and [or] maintained in whole or in part, under said permit, unless upon a full and satisfactory showing of the reasons therefor this requirement shall be temporarily waived by the written consent of the Secretary of Agriculture.

12. That the works to be constructed and [or] maintained under said permit will not be owned, leased, trusted, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever so that they form part of, or in any way effect, any combination or are in anywise controlled by any combination, in the form of an unlawful trust, or form the subject of any contract or conspiracy to limit the output of electric energy, or in restraint of trade with foreign nations or between two or more States or Territories or within any one State or Territory in the generation, sale, or distribution of electric energy.

13. That the books and records of the permittee, in so far as they show the amount of electric energy generated by the works constructed and [or] maintained, in whole or in part, under said permit, or the amounts of water held in or used from storage, or the stream flow or any other data of the watershed furnishing the water used in the generation of said energy, shall be open at all times to the inspection and examination of the Secretary of Agriculture, or his duly appointed representative; and the permittee will during January of each year, unless the time therefor is extended by the written consent of the Secretary of Agriculture, make a return to said Secretary, certified under oath, in such form as may be prescribed by the said Secretary, of such of the measurements of records made by or in the possession of the permittee, as may be required by the said Secretary, concerning the matters in this clause above named, and for the year ending on December 31 preceding.

Mr. MANN. I yield five minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER. Mr. Chairman, this bill, after the enacting clause, is as follows:

That the said Hydro-Electric Co. is hereby granted a right of way over the said northeast quarter of section 14, township 2 north, range 25 east, Mount Diablo meridian, California, for its said pipe line during the period of its beneficial use only.

This is a short bill, but it is long enough. It grants an easement practically in perpetuity, for it is fair to presume that that water is going to run forever and will be beneficial to somebody all the time that it is running.

Then we have this remarkable report—very remarkable in view of the question before us, for the situation developed here is very complex—protracted litigation, many incidents, important correspondence, conflicting testimony, and denunciation of lawyers who, it is said, have violated stipulations. It is a very difficult, complicated affair, and yet they get rid of it in a report of 12 lines.

The committee had a hearing of only one day, and at the end of the hearing moved to stop further proceedings and to report the bill unanimously by those Members who were present, and it is presented here as a unanimous report. Yet it is not a unanimous report, for one of the very strongest speeches that has been made against the bill, one of the very strongest speeches possible to be made against it, was made this afternoon by the distinguished gentleman from Iowa [Mr. PICKETT], a member of the committee.

Now, the gentleman from California [Mr. HAYES] and the gentleman from California [Mr. RAKER] and the gentleman from Colorado [Mr. TAYLOR] asked if we, the people of the East, are going to keep on stopping the development of the industries of California. Whereupon the gentleman from Mississippi [Mr. HUMPHREYS] arose here and read from the report of the United States Inland Waterways Commission, showing that there is 800,000 hydroelectric horsepower in the State of California which has been picked up practically by four companies, and that these have developed only 2 or 3 per cent of it and are holding the rest for speculative purposes. In view of this startling fact, who is holding up the development of California? Is it the people of the East or is it some of the great corporations that propose to hold these 800,000 horsepower until they get ready to develop it and then to solidify it under one management?

The general industrial development by means of hydroelectric power is a subject which has been brought to the attention of the American people within comparatively very few years last past, not more than six or seven. It was first brought powerfully to their attention by a Republican President. During these years public sentiment has become crystallized and is practically unanimous upon the proposition that hereafter no corporation of this kind shall be granted a privilege in the national domain without the Government of the United States in some form retaining control over it; not to be arbitrary and oppressive, but so that it can not be used for the purposes of monopoly.

What is attempted by this bill is to give this corporation an absolute grant of an easement forever, beyond the possibility of public control. It is a grant of an easement forever without conditions. Are we, the trustees for the American people who own that property, justified in giving away that easement, so that we can not control it hereafter? The gentleman said that this company does not belong to the General Electric Co. But that means nothing. Is there anything in this bill or in the charter of the company to prevent its being purchased by the General Electric Co. after we enact this bill into law? Certainly not; and nobody knows it better than the gentleman from California who has championed this bill. Of course it does not belong to the General Electric Co. now. But does the gentleman deny that if we pass this bill and make it a law the General Electric Co. could purchase all these rights within 10 minutes afterwards? And does the gentleman doubt that they will make the purchase?

Mr. RAKER. What rights does the gentleman refer to?

Mr. COOPER. I mean the property of the company named in this bill.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. MANN. How much time have I remaining?

The CHAIRMAN. The gentleman has 22 minutes remaining.

Mr. MANN. Mr. Chairman, if I may have the attention of the committee, in 1909 the Hydro-Electric Co. had in contemplation the construction of the power plant which has been referred to in the debate, and it had communication with the Forest Service in reference to the laying of the pipe line which has been referred to. That company was informed by the Forest Service that under the law of 1901, passed by this Congress, the Forest Service would issue a permit upon application made by the company for the construction of this pipe line through this forest reserve. That was in 1909.

The company declined to make the application, and on March 5, 1910, one Francis Burke located some mining claims on the forest reserve where the pipe line was to run. On May 10, one J. A. Conway located some additional mining claims on this forest reserve; so that between the locations of the two gentlemen they located mining claims over the entire strip in the forest reserve where the pipe line was to run. We had passed a law in 1901 authorizing the Secretary of the Interior to grant permits for the construction of hydroelectric lines over the public domain. In 1905 we transferred that authority with the national forests from the Secretary of the Interior to the Secretary of Agriculture. There still remained on the public domain outside of the national forests the right of these companies to secure the title to land by locating upon the land and obtaining the title to property necessary for the development of electric power. It became so threatening that the President of the United States issued an order reserving from location great quantities of land that might be profitably used for the development of water power, but the authority to obtain title to the land was never given in the forest reserve, except through the medium of locating mining claims. Having found that they could not obtain permission to lay this pipe line through this forest reserve without making an application, they resorted to the expedient of locating the mining claims a few months later and then bought the mining claims from the locators at \$10 apiece. It became the duty of the Agricultural Department to examine the mining claims to ascertain whether they were located in good faith.

If those mining claims are located in good faith, the gentlemen who locate them, or the Hydro-Electric Co., which now owns them, will in the course of a short period of time become the absolute owners of the property. They will obtain patents to the property, and they do not need to ask or receive any concession of rights from the General Government. But the Agriculture Department found that the mining claims were fraudulently located. I hold in my hand a letter from the Secretary of the Interior with reference to this bill, in which he says:

Inside of national forest scrip could not be used nor could any adverse claim upon the lands be initiated otherwise than under color of the mining laws. * * *

Experience has shown the necessity of vigilance to prevent the fraudulent use of the mining law obtaining private title to water-power sites in national forests.

If the claims—

Referring to these mining claims—

so located should be patented before the construction of the conduit the possibility of control by the Federal Government would be destroyed.

The usual examination of the claims on the ground satisfied the Department of Agriculture that they were fraudulent.

In accordance with the practice above described the company, when it applies to this department for patent to these claims, will be met by proceedings to determine the validity of the claims. If, upon such proceedings, it appears that the claims are valid, they will be patented and the company may proceed with its construction free of control by the Federal Government. If, on the other hand, the claims are found to be fraudulent they will be declared invalid, and Federal control of water-power development on the lands embraced therein will be perpetuated. One necessary effect of the pending bill would be to anticipate this adjudication in favor of the company and against the public.

Mr. RAKER. What does the gentleman read from?

Mr. MANN. I read from a letter from the Secretary of the Interior.

Mr. RAKER. Written when?

Mr. MANN. March 9, 1912; a very recent communication.

Mr. RAKER. Well, why will not the gentleman insert it in the Record?

Mr. MANN. Perhaps I will; but I do not yield my time to the gentleman now. I have not much time. That being the situation, Mr. Chairman, the Forest Service was still willing, under the law of 1901, to grant the permit. It is still willing now to grant the permit. All the talk about this company not being able to go ahead with its construction is pure balderdash. The pipe is down in the ground; the company has gone ahead; it obtained the power and has constructed a pipe line. The only question is upon what terms it shall retain the pipe line. The Department of Agriculture issued a temporary permit, permitting the construction of this pipe line after the temporary injunction had been issued, or in connection with it, and at the same time it issued a permanent permit.

Under the law of 1901 the general permit which they issue, which they call a stipulation, to be signed by the permittee—in this case the Hydro-Electric Co.—is very broad. I will defy any gentleman in this House to draw a permit to any company in the land to authorize the use of the public domain and make it more liberal than was the permit issued by the Department of Agriculture. To what did the company take exception? First, it took exception to the statement in the permit that this land was the land of the United States. No one denies that. It was subject to the location of mining claims, which, if they prove valid, transfers the title to the Hydro-Electric Co., but the land was still the land of the United States. Next, they took exception to a provision in the permit that they should sell electric power to the United States as cheaply as they did to anyone else, not that they should give electric power to the United States, not that they should sell it any cheaper than they did to anyone else, but that they should sell electric energy to the United States when requested at as low a rate as was given to any other purchaser for a like use at the same time. The company objected to it. It said it wanted the power to sell electric energy to other people at a cheaper rate than it sold it to the United States. Next, it objected to the provision in reference to some gauges.

Mr. Chairman, I am going to call the attention of the committee now to a provision in the stipulation to which they did not object, but which is the reason they are here to-day asking for this permit from Congress. They gave trivial objections to the stipulations. No reasonable man will sustain them in the objections which they made. It would not have cost them a tithe—I doubt whether it would have cost them a hundredth part—if they had obeyed the conditions of what it has cost them trying to pass this bill. I have been annoyed myself with telegrams and letters, with high-priced lawyers, both from Washington and Chicago, urging the passage of this bill, because the Government proposed to exact the enormous sum of \$75 a year so long as the title to this property remained in the Government, they claiming that they would soon own the title themselves. To what do they object? First, they objected because the law provided for a revocable permit. They objected to being classed with everybody else who obtained similar permits. Mr. Chairman, during my service in this House I think we have never passed a bill of any character giving special permits without the power to revoke them. We have passed bills for dams, for water-power purposes, under the general dam law, and the Secretary of War is authorized under that law to order a reconstruction of the dam at any time, and Congress reserves the power to wipe it out by repeal at any time. Every railroad company that builds a bridge across a navigable stream does it with the express provision in the statute that the Secretary of War may order it removed at any time, and

Congress reserves the power to repeal the law at any time. Every time we grant permission to cross a military reservation we do the same thing.

Up to date this power has not been abused; but, Mr. Chairman, there was one stipulation to which this company, while not nominally doing it, really objected. Some time ago we ordered the Bureau of Corporations to make an investigation of the water-power resources of the United States and of the possible monopolization of those powers. I venture to state from my own knowledge of the subject that the State of California is now within the control, so far as hydroelectric power is concerned, of not to exceed four companies, and that northern California, where this project is proposed, is in the absolute domination of one company. [Applause.] When it was proposed in this stipulation to insert this item, which I will read, it was all off:

12. That the works to be constructed and [or] maintained under said permit will not be owned, leased, trusted, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever so that they form part of, or in any way effect, any combination or are in any wise controlled by any combination, in the form of an unlawful trust, or form the subject of any contract or conspiracy to limit the output of electric energy, or in restraint of trade with foreign nations or between two or more States or Territories or within any one State or Territory in the generation, sale, or distribution of electric energy.

Mr. Chairman, it took a very bright lawyer to write that, and he wrote it so that it meant something. If, under this stipulation, this company was granted this power, it could not transfer it to the company that now controls the hydroelectric power in that part of the State. It could not sell out to the combination that is seeking to control the development of water power all over the United States; and when the Department of Agriculture put that provision into the stipulation, as it does into all other stipulations relating to the development of this power in the national forests, this company found an excuse that they did not wish to construct a water gauge, something that would not cost them more than \$100, and they have spent thousands of dollars trying to lobby and intimidate Members of Congress to break down the fundamental principles that we have established—that those permits which were granted by the Government shall remain under the control of the Federal Government. [Applause.]

Mr. FERRIS. Mr. Chairman and gentlemen of the committee, this bill, in my judgment, has been given unnecessary importance by both sides of the House, by the members of the committee, and by entirely too many people. This bill was submitted to the Committee on the Public Lands and a unanimous report had thereon. It gives a right of way across one quarter section of rocky, worthless, hilly land. This company has enjoyed a right of way across this identical quarter section of rocky and worthless land for 30 years under law that no man questions or attacks. That law is still in full force and effect, and they still enjoy that full right, and could to-day and indefinitely enjoy the same right through an open ditch. What do they elect to do? They elect to improve their water system, owning all the water themselves. They elect to improve their ditch, owning all the land themselves excepting this quarter section. They elect to move their pipe line just a little west and bury it in the ground. What confronts them? Here comes the Federal Government and says that even though you own every bit of the water, even though you own every bit of the land, even though you own a right of way for an open ditch and have enjoyed that for 30 years, even though you own 3½ miles of pipe line, because we own 3,800 feet of worthless land which you desire to cross you must submit to have your books left open for inspection; you must submit to an annual charge; you must submit to every sort of regulation that Gifford Pinchot and his tribe can conjure up.

Mr. Chairman, I am not one of those who are here to assert that Gifford Pinchot or Gifford Pinchotism is always wrong. I think in the past—and it will probably be true in the future—that he has and will render good and faithful service to the people of this Republic, but I do say that in this instance it is simply a case of conservation run mad. The best friend that conservation has had better go up and take Gifford Pinchot and his people in hand on this proposition to the end that they do not render themselves absolutely ridiculous. Here we are spending days and days of debate, when, if this bill is defeated, not one penny's worth of property is saved. I assert that there is no such thing as conservation when there is nothing to conserve. If this bill is defeated, we have saved nothing. If this bill is passed, we have surrendered nothing. If this bill is passed, we simply let the Hydro-Electric people enjoy the right by a covered pipe line that they now enjoy and have enjoyed for 30 years by an open ditch under existing law. I ask with what consistency can this side of the Chamber, with what con-

sistency can that side of the Chamber, and with what consistency can you oversensitive and supersensitive conservationists uphold Gifford Pinchot and his tribe in such a contention? Why do you come in here and grow to fever heat over nothing? Why do not you allow yourselves to be overwrought up when the public land is really involved? What is involved here? Worthless, worse than worthless, land and only the right of way across 160 acres. I have examined the photographs of that quarter section of land, and it is not worth 5 cents for 10 miles square. This company owns every bit of water, owns every bit of land on both sides, and they have owned it for 30 years, and now, because they want to move an open ditch up here and lay a pipe [pointing to the map], run a few feet away from the former open ditch across the identical land that they have the right of way across now by an open ditch, Congress is thrown into fever heat over nothing. My friends, only day before yesterday I had a long conversation with the Director of the Reclamation Service, and what did he say?

He told me that in the reclamation and irrigation of arid lands he had expended \$60,000,000 out of the Federal Treasury in the last 10 years.

Mr. FOSTER of Illinois. Will the gentleman yield?

Mr. FERRIS. I have but a few moments of time.

Mr. FOSTER of Illinois. It is a very short question.

Mr. FERRIS. I will yield.

Mr. FOSTER of Illinois. Why did you not put an antimonopoly provision in this bill?

Mr. FERRIS. Oh, there is no monopoly in a man's own individual property. I am glad the gentleman asked me that. They own every drop of the water; they own $3\frac{1}{2}$ miles of pipe line; they own all the land. I want to ask you where there is a man so sensitive that he can think that a man could have a monopoly of his individually owned property?

Mr. FOSTER of Illinois. They might sell it to a monopoly.

Mr. FERRIS. I will ask you with what propriety can the Federal Government say that because they own 3,000 feet of worthless land they have the right to come in here and adopt rules and regulations for a man who owns $3\frac{1}{2}$ miles of pipe line and has owned it for 30 years?

Mr. BURKE of Pennsylvania. Will the gentleman yield for one question? Is the issue now pending in the courts broad enough, if decided in favor of this company, to absolve it from any responsibility to the United States Government?

Mr. FERRIS. I can not answer the gentleman entirely on that proposition, because I have not gone into that. This company owns some mineral claims covering this identical land, and whether they be valid or invalid, so far as I am concerned, I am not going to grow insane over the regulation of property that this Government does not own.

Mr. BURKE of Pennsylvania. Do they object to signing this stipulation for the reason that in the event of the decision of the court being in their favor ultimately they will meanwhile have assigned away their rights? Is that one of the gentleman's contentions?

Mr. FERRIS. I have not advanced that.

Mr. BURKE of Pennsylvania. Those seem to me to be the issues in this case, but they have not been asked about.

Mr. FERRIS. There are flying around this House cries of "monopoly." Men have been excited and wrought up on the theory that there is going to be some monopoly here. I assert that there can be no monopoly when a man is simply enjoying the fruits of his own property and his own labor. These men and their predecessors have owned this property for 30 years. They are out there trying to furnish those little towns and communities with light, water, and power, in order to develop the country without help from the reclamation fund of the Federal Government. Here comes the Federal Government, expending in the last 10 years \$60,000,000 for irrigation and reclamation, and now they are unwilling to give to this company, which is willing to irrigate this land themselves, a right of way across one quarter section of worthless land. Gentlemen over on the other side have asserted that a great fundamental principle was involved here. I deny that. No principle is involved.

My good friend, I want to be one person that asserts that no matter whether it be the Hydro-Electric Co. or any individual or corporation, each are entitled to common, decent treatment, and anyone who grows excited over the granting of a right of way across one quarter section of land is striking a severe blow to conservation. It is simply branding contempt for a policy that is productive of much good.

I want to leave one question with you, and want to impress it on you with all the earnestness I have. Only last year we issued \$20,000,000 for bonds to irrigate the West. Here is a company trying to irrigate land itself. What do they ask at the

hands of this Government? Nothing except the right to move their pipe line from right here up to this line [indicating], a distance of less than 200 yards, and proposing to convert an open ditch into a covered pipe line. No one objects to their present holdings, founded and attached under existing law. I ask you if it is not all unnecessary, if it is not all unusual, if it is not all wholly outside the range of any form of conservation, if it is not folly, if it is not practicing gross obstinacy in the name of conservation? Conservation—ah! how many wrongs are committed in thy name. If the bill is defeated, nothing is saved or conserved; if it is passed, nothing but justice is done. This bill ought to pass by unanimous consent, and would if properly understood, without the stress of excitement and the cry of the demagogue who knows not what he says and cares not what havoc his undigested words inflict.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk proceeded with and concluded the reading of the bill, as follows:

A bill (H. R. 12572) for the relief of the Hydro-Electric Co. of California.

Whereas the Hydro-Electric Co., a corporation of California, has constructed and is now operating a water-power plant for the generation of electric energy in Mono County, Cal., such electric energy being for use in the operation of its own mining properties and for sale for mining, manufacturing, and domestic purposes in the vicinity, and the water being available for the irrigation of otherwise arid and barren desert land; and

Whereas a small portion, approximately 3,800 feet only, of the water-pipe line of the said project is located upon unpatented land in the northeast quarter of section 14, township 2 north, range 25 east, Mount Diablo meridian, within the Mono National Forest, in California, such unpatented land being treeless, arid, and barren, and not susceptible of forestation, and being claimed by said company under the mining laws of the United States: Therefore

Be it enacted, etc., That the said Hydro-Electric Co. is hereby granted a right of way over the said northeast quarter of section 14, township 2 north, range 25 east, Mount Diablo meridian, California, for its said pipe line during the period of its beneficial use.

With the following committee amendment:

In line 7, after the word "use" insert the word "only."

Mr. JAMES. Mr. Chairman, I move to strike out the enacting clause.

The CHAIRMAN. The gentleman from Kentucky [Mr. JAMES] moves to strike out the enacting clause.

Mr. FERRIS. Mr. Chairman, the question is debatable, I believe. I do not know what the views of the House on this proposition may be, but I hope this action will not be taken. I never was as positive in my life that a bill was so absolutely free from fault and absolutely the victim of overexcitement as this one. But if this proposition is voted down, and if amendments can be made, if thought necessary—and I do not think any amendment is necessary—if it is the wisdom of the House to amend it, let that be the course rather than any drastic motion to kill the bill. Of course, if the motion to strike out the enacting clause prevails, there will be no chance to do anything further.

Mr. MANN. If the motion should prevail the company would still have an opportunity to obtain a permit from the Agriculture Department on the same terms as any other company has on the public reserve.

Mr. FERRIS. I do not know whether they would have or not, in the face of that letter. They have had the property for 30 years. The land is worth nothing.

Mr. JAMES. Mr. Chairman, I made the motion simply because it was a quick way in which to kill the bill. They did have the opportunity that every other corporation has that crosses Government land to comply with Government regulations. They have refused to do it, and I believe it is because they want a monopoly; and the reason I oppose the bill is because I am opposed to monopolies; and I hope my motion will prevail, which means the defeat of the bill. I ask for a vote.

The CHAIRMAN. The question is on the motion of the gentleman from Kentucky [Mr. JAMES] to strike out the enacting clause.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. FERRIS. Division, Mr. Chairman.

The committee divided; and there were—ayes 98, noes 27.

So the motion to strike out the enacting clause was agreed to.

Mr. MANN. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the enacting clause be stricken out.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RUSSELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12572, and

had directed him to report the same to the House with the recommendation that the enacting clause be stricken out.

The SPEAKER. The question is on agreeing to the motion to strike out the enacting clause.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. KAHN. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The Chair will count.

The Chair proceeded to count.

Mr. KAHN. Mr. Speaker, I withdraw the point of no quorum.

The SPEAKER. The gentleman from California withdraws the point of no quorum. The ayes have it, and the motion to strike out the enacting clause is agreed to.

HOMESTEAD ENTRIES.

Mr. FERRIS. Mr. Speaker, by direction of the Committee on the Public Lands I call up the bill S. 3367.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 3367) to amend section 2291 and section 2297 of the Revised Statutes of the United States, relating to homesteads.

Be it enacted, etc., That section 2291 and section 2297 of the Revised Statutes of the United States be amended to read as follows:

"Sec. 2291. No certificate, however, shall be given or patent issued therefor until the expiration of three years from the date of such entry; and if at the expiration of such time, or at any time within two years thereafter, the person making such entry, or if he be dead his widow, or in case of her death his heirs or devisee, or in case of a widow making such entry her heirs or devisee, in case of her death, proves by two credible witnesses that he, she, or they have resided upon or cultivated the same for the term of three years immediately succeeding the time of filing the affidavit, and makes affidavit that no part of such land has been alienated, except as provided in section 2288, and that he, she, or they will bear true allegiance to the Government of the United States, then in such case he, she, or they, if at any time citizens of the United States, shall be entitled to a patent as in other cases provided by law: *Provided*, That the absence of said entryman or of his family from the land for a period not exceeding 6 months in any one calendar year shall not be held or construed as interrupting the continuity of the 3 years' residence required by this section, but in case of commutation the 14 months' actual residence as now required by law must be shown.

"Sec. 2297. If, at any time after the filing of the affidavit as required in section 2290 and before the expiration of the three years mentioned in section 2291, it is proved, after due notice to the settler, to the satisfaction of the register of the land office that the person having filed such affidavit has actually changed his residence after establishing the same, or abandoned the land for more than six months at any time, then and in that event the land so entered shall revert to the Government: *Provided*, That the three years' period of residence herein fixed shall date from the time of establishing actual permanent residence upon the land."

Sec. 2. That all existing pending entries perfected under and according to the terms of this act, except entries under section 6 of an act passed and approved February 19, 1909, and section 6 of an act passed and approved June 17, 1910, providing for an enlarged homestead, and that as to entries under said sections this act shall not in any wise apply, except that the provision allowing a six months' residence during any calendar year shall apply to all homesteads.

Also the following committee amendments:

Line 5, page 2, after the word "have," insert "a habitable house upon the land and have."

Lines 6 and 7, page 2, strike out the word "immediately."

Line 14, page 2, strike out the word "absence" and insert in lieu thereof the word "presence."

Line 15, page 2, strike out the word "from" and insert in lieu thereof the word "on"; and in the same line strike out the words "a period not exceeding."

Line 16, page 2, strike out the word "six" and insert in lieu thereof the word "seven"; and in the same line strike out the words "any one" and insert in lieu thereof the word "each"; and in the same line strike out the words "not" and "or."

Strike out all of line 17, page 2, and insert in lieu thereof the words "sufficient to constitute the."

Line 20, page 2, after the word "shown," add the following:

"*Provided*, That where the person making the entry dies before the offer of final proof those succeeding to the entry must show that the entryman had complied with the law in all respects to the date of his death and that they have since complied with the law in all respects, as would have been required of the entryman had he lived, excepting that they are relieved from any requirement of residence upon the land."

Page 3, lines 2 and 3, strike out the words "actually changed his residence after establishing the same" and insert in lieu thereof the words "failed to establish residence within six months after the date of entry."

Page 3, line 9, after the word "entries," insert the words "requiring residence upon the land under the homestead laws."

Page 3, line 10, change the comma after the word "Act" to a period and strike out all the remainder of section 2, beginning with the word "except" in line 10 and ending with the word "homesteads" in line 18.

Mr. FERRIS. Mr. Speaker, it is apparent that we can not dispose of this bill to-night. I therefore ask unanimous consent that the first reading of the bill be dispensed with.

Mr. MANN. This is not the first reading of the bill. Mr. Speaker, this bill ought to be on the Union Calendar. I have no objection to calling it up. I think it is a Union Calendar bill, providing as it does for the taking of homesteads and the disposition of the public domain. If it is a Union Calendar bill I was going to make a request for unanimous consent that it be transferred to the Union Calendar without affecting its being called up to-day.

Mr. FERRIS. I have no objection to that, Mr. Speaker.

The SPEAKER. Without objection, this bill will be transferred to the Union Calendar, and it will be the unfinished business next Wednesday.

COST OF LIVING (H. DOC. NO. 617).

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying documents, was referred to the Committee on Ways and Means and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a letter from the Acting Secretary of State with accompanying data on cooperation and the cost of living in certain foreign countries.

The popular demand for information of this character apparently was based on the belief that some remedy or partial relief might be found for the growing burdens of the high cost of living. The immediate result of the inquiries instituted by the Department of State through the consular officers was to accentuate the fact that the increase in the prices of the common necessities of life is world-wide and that it is an absorbing question with the cooperative associations as well as with the mass of consumers as individuals. Multiplied evidences of the universal restlessness under this condition are given. Intelligence gathered and presented by the cooperative societies shows that even where there has been an advance in wages the percentage has not kept pace with the rise in the cost of food supplies. This disproportion in many cases is so marked as to be startling.

The information collected and collated by the Department of State is comprehensive, and is a permanent contribution to the history of the efforts of producers and consumers, but more especially of consumers, to solve for themselves the economic problems of production, distribution, and consumption. If the cooperative associations which have been in existence for half a century and more have not been able to determine the fundamental causes of the increased cost of living or to retard the advance, the student of social progress at least may derive instruction from the account of the associations and their influence on the well-being of their members.

How far the system of cooperative organization which flourishes in various European countries may be adapted to our highly organized and individualistic social organization may perhaps only be determined by experiment, and in any case the experiment must be of a voluntary character. The practical information contained in the reports of the consular officers undoubtedly will be of much value to those who are seeking to work out this problem for themselves by means of similar associations.

In my message of February 2 I recommended an international commission to look into the cause for the high prices of the necessities of life and the possible remedies. Should such a commission be authorized by Congress, the relation of the cooperative societies to this subject would be of great interest and the reports of the consular officers would have additional utility.

WM. H. TAFT.

THE WHITE HOUSE, March 13, 1912.

ORDER OF BUSINESS.

Mr. UNDERWOOD. Mr. Speaker, by unanimous consent, I would like to see if I can make an arrangement with the gentlemen on the other side of the House in reference to the consideration of the bill (H. R. 21213) revising the sugar schedule to-morrow. If I could make a satisfactory arrangement with the gentlemen on the other side of the House, I would like to have the House meet by unanimous consent at 11 o'clock to-morrow and let the debate run all day and into the night, if necessary, if they are willing that at the end of to-morrow's debate the previous question shall be considered as ordered and we can vote on the bill Friday morning.

Mr. MANN. Does the gentleman mean the previous question?

Mr. UNDERWOOD. I mean that general debate shall be closed.

Mr. PAYNE. Mr. Speaker, of course this is the most important bill, so far as the revenues are concerned, that can be brought into the House under the present methods, involving \$53,000,000 of revenue in an off year, and more, usually, as the years run. It also involves a great agricultural industry in the Southern and Northern and Western sections of the country. It involves all our insular possessions and their prosperity. It involves our treaty with Cuba and removes the prop by which we have been able to use our influence with that island, preventing an open outbreak there and thus preserving its Government.

There is a great desire to debate this bill on both sides of the House, and especially upon this side. I have simply taken the names of those who came to me, and the list which I have now calls for 12 hours' debate on one side. The gentlemen all seem anxious to debate the subject, and they are men to whom the House listens when they speak and men who speak intelligently upon any subject.

Now, we have hours of debate on trivial matters here in this House; days are given to unimportant matters. Why, I sat here and witnessed three hours wasted the other day by gentlemen making—I want to be parliamentary—buncombe speeches for the free distribution of seed. The time was utterly wasted, so far as the country is concerned, or so far as the good of the country is concerned. It is not now late in the session. There is time to talk about these important matters. Why not give time to the important matters?

Mr. UNDERWOOD. Mr. Speaker—

Mr. PAYNE. I am willing, Mr. Speaker, that debate, both general and five-minute debate, shall be closed in time on Saturday to take a vote on this bill and dispose of it Saturday afternoon.

Mr. UNDERWOOD. Mr. Speaker, the gentleman names a number of very important problems and reasons, from his standpoint, why this bill should be delayed, but he overlooks the proposition that there are 90,000,000 people being taxed \$115,000,000, and we would like to get this bill to the Senate in time to have it enacted into law at this session of Congress.

Mr. PAYNE. Now, my friend knows that the bill will not be enacted into law. He knows that it is simply a political proposition when he talks about the 90,000,000 people being taxed. They have got to be taxed for something, and they might as well be taxed for sugar as for pepper and the other like things that the gentleman put upon his other bill. The gentleman will not gain anything toward the election of a President this year by passing this bill, and especially if he does it without deliberation and debate to a reasonable extent.

Mr. UNDERWOOD. The gentleman last year advised me that we would not pass the wool bill through the Senate, but it went through the Senate nevertheless, and if somebody is going to prevent the passage of this bill and prevent its becoming a law we want ample time to find out who is going to stop it. [Applause on the Democratic side.]

But what I wanted to say to the gentleman is this: Ordinarily a day's debate is about four or five hours. I intended to propose that we should start at 11 o'clock and run until 10 o'clock to-morrow night, which would be more than two days' debate, and give the same length of time practically that the gentleman asks for.

And let it be understood that to-morrow is to be devoted entirely to the debate. Everybody will have the same opportunity to say what he wants to, and the work of the House will not be delayed by one day.

Mr. PAYNE. I meant to include in my proposition the meeting at 11 o'clock on all of these days, which would add three hours more. The gentleman knows that debate after 6 o'clock upon a measure like this, or any measure in the House, is no debate at all. People will not stay here for such a debate. They will go out to their dinner, and when they know there will be no vote, they will not come back.

Mr. UNDERWOOD. There are more men in this House right now than you will find at 3 or 4 o'clock in the afternoon, and there will be more men here at a night session than in the daytime.

Mr. MANN. Does the gentleman think Members of the House ought to be subjected to the strain of 11 hours' solid debate?

Mr. UNDERWOOD. I do not know that it is a strain. The gentleman from Illinois [Mr. MANN] and myself have often tried 11 hours' strain, and it has not injured either of us.

Mr. MANN. Oh, well, when it comes to listening to a debate for 11 hours on a stretch, everyone knows that no human being can keep his mind acute during that length of time on a general debate, I do not care who he is. Meeting at 11 o'clock will interfere with the work of the committees of the House and will really put back the work of the House.

Mr. UNDERWOOD. I desired to find out whether I could come to an agreement with gentlemen on that side.

Mr. MANN. Why can we not have an agreement, as the gentleman from New York [Mr. PAYNE] suggests, and vote Saturday afternoon?

Mr. UNDERWOOD. I hope we can pass both tariff bills this week.

Mr. PAYNE. Does the gentleman mean this so-called income-tax bill? A tax on activities is, I believe, what he denominates it.

Mr. MANN. Has the bill been reported yet?

Mr. PAYNE. It has not been.

Mr. UNDERWOOD. It will be reported to-morrow.

Mr. MANN. I should think that on a bill that is going to pass this week, that affects the taxes on everybody in the country, possibly, we ought to have more than a day in which to study the report.

Mr. PAYNE. I think that after a reasonable debate on this last bill the gentleman himself will see the folly of it, and will look around for revenue somewhere else.

Mr. UNDERWOOD. The gentleman need not worry about either of these bills, from his standpoint. The responsibility of their passage rests with this side of the House. If there is any merit in the bills, we shall claim the credit for them.

Mr. MANN. You will have it.

Mr. PAYNE. And the responsibility for showing the demerit of these bills rests upon this side of the House, and with reasonable time we can do it.

Mr. UNDERWOOD. There may be some special interests that are opposed to these bills, but so far as the verdict of the American people is concerned upon them, I have no doubt as to that verdict. [Applause on the Democratic side.]

Mr. PAYNE. The gentleman is fooling himself on that proposition. He will get the general verdict, so that he will understand it, along in November next, and it will not be in favor of these bills.

Mr. UNDERWOOD. Mr. Speaker, I understand the gentleman does not desire to come to an agreement about the debate to-morrow.

Mr. MANN. Why, yes.

Mr. PAYNE. Not on the proposition the gentleman makes. I am willing to come to a reasonable agreement.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 17 minutes p. m.) the House adjourned until to-morrow, Thursday, March 14, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting by the direction of the President of the United States, in response to House resolution No. 415, copies of all records on file in the War Department bearing on the extracts quoted from communications of The Adjutant General of the Army in order of February 14, 1912, relieving him from duty (H. Doc. No. 619); to the Committee on Military Affairs and letter ordered to be printed.

2. A letter from the Secretary of the Treasury, submitting supplemental estimate of appropriation for the Public Health and Marine-Hospital Service for the fiscal year ending June 30, 1913 (H. Doc. No. 618); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill (H. R. 21170) granting to El Paso & Southwestern Railroad Co., a corporation organized and existing under the laws of the Territory and State of Arizona, a right of way through the Fort Huachuca Military Reservation, in the State of Arizona, and authorizing said corporation and its successors or assigns to construct and operate a railway through said Fort Huachuca Military Reservation, and for other purposes, reported the same without amendment, accompanied by a report (No. 414), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CARLIN, from the Committee on the Judiciary, to which was referred the bill (H. R. 16450) to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, the unlawful entering of such cars, the stealing of freight and express packages, or baggage, or articles in process of transportation in interstate shipment, and the felonious transportation of such freight or express packages or baggage, or articles therefrom, into another district of the United States and the felonious reception or possession of the same, reported the same with amendment, accompanied by a report (No. 415), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 11131) granting a pension to Stanley S. Stout; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16765) granting a pension to Wilmot Stevens; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15142) granting a pension to Herman Siegel; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12309) granting a pension to Margaret B. Sheridan; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18563) granting a pension to Cascinda Greene; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14555) granting a pension to Theodore Hansen; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5277) granting a pension to Arthur B. Brooks; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18275) granting a pension to Sinclair R. Boone; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18170) granting a pension to Aubrey P. Lawrence; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18620) granting a pension to William L. Lehman; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18673) granting a pension to Albert Albright; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20975) granting a pension to Z. L. Ramsey; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19512) granting a pension to Norman Devol; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14561) granting an increase of pension to Jen Rody Chauncey; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14423) granting an increase of pension to Dominick Roach; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18454) granting an increase of pension to John J. Driscoll; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20698) granting an increase of pension to Lydia A. Smiley; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13782) granting an increase of pension to Rhoda M. Le Gros; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19510) granting an increase of pension to Samuel R. Price; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 3628) granting an increase of pension to William H. Packwood, sr.; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6243) granting an increase of pension to David S. King; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20933) granting an increase of pension to Charles W. Willis; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19658) granting an increase of pension to Sarah Brandon; Committee on Invalid Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CARTER (by request): A bill (H. R. 21823) providing for the payment of judgment against certain Mississippi Choctaw Indians; to the Committee on Indian Affairs.

By Mr. ANSBERRY: A bill (H. R. 21824) to provide for the construction of a military and post road through Williams, Defiance, Putnam, Paulding, Henry, and Van Wert Counties, in the State of Ohio; to the Committee on Agriculture.

By Mr. SMITH of New York: A bill (H. R. 21825) for the suppression of lobbying and for the regulation of duly accredited representatives of persons, firms, corporations, and associations interested in legislation before Congress; to the Committee on the Judiciary.

By Mr. PRAY: A bill (H. R. 21826) validating certain homestead entries; to the Committee on the Public Lands.

By Mr. BURNETT: A bill (H. R. 21827) to amend section 4875 of the Revised Statutes, to provide a compensation for superintendents of national cemeteries; to the Committee on Military Affairs.

By Mr. KORBLY: A bill (H. R. 21828) providing for the retirement of officers of the Philippine Scouts, United States Army; to the Committee on Military Affairs.

By Mr. DAVIS of West Virginia: A bill (H. R. 21829) to amend paragraph 265 of Schedule G of section 1 of "An act to provide revenue, equalize duties, encourage the industries of the United States, and for other purposes," approved August 5, 1909; to the Committee on Ways and Means.

By Mr. LITTLETON: Joint resolution (H. J. Res. 268) to amend the joint resolution to prohibit the export of coal or other material used in war from any seaport of the United States; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AKIN of New York: A bill (H. R. 21830) granting a pension to Silas W. Lincoln; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 21831) granting an increase of pension to William M. Ivans; to the Committee on Invalid Pensions.

By Mr. BOEHNE: A bill (H. R. 21832) granting a pension to Eliza Lorge; to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 21833) granting an increase of pension to William E. McKee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21834) for the relief of F. J. James; to the Committee on War Claims.

Also, a bill (H. R. 21835) for the relief of the heirs of Edmon Hill; to the Committee on War Claims.

Also, a bill (H. R. 21836) for the relief of the heirs of Benjamin Grayson; to the Committee on Military Affairs.

By Mr. CALDER: A bill (H. R. 21837) for the relief of Paul Putnam; to the Committee on Ways and Means.

By Mr. CULLOP: A bill (H. R. 21838) granting an increase of pension to William B. Ridgeway; to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 21839) granting a pension to Harriet A. Glasscock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21840) for the relief of the heirs of E. C. Trimble; to the Committee on War Claims.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 21841) granting a pension to Charles Rosenkranz; to the Committee on Invalid Pensions.

By Mr. DUPRÉ: A bill (H. R. 21842) granting an increase of pension to Annie Elizabeth Boyle; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 21843) granting a pension to Joseph Moore; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 21844) for the relief of the heirs of Benedict Bourquin; to the Committee on War Claims.

Also, a bill (H. R. 21845) for the relief of the estate of Rev. Moses N. McCall; to the Committee on War Claims.

By Mr. FOCHT: A bill (H. R. 21846) granting an increase of pension to John H. Civits; to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 21847) granting an increase of pension to Forrest J. Raymond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21848) granting a pension to Laura A. Fowler; to the Committee on Invalid Pensions.

By Mr. HAMILTON of West Virginia: A bill (H. R. 21849) for the relief of Felix Morgan; to the Committee on Claims.

Also, a bill (H. R. 21850) granting a pension to Basil Peterson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21851) granting a pension to Kate Pennybacker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21852) granting an increase of pension to Israel Dotson; to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 21853) granting an increase of pension to Adam S. Haas; to the Committee on Invalid Pensions.

By Mr. HARTMAN: A bill (H. R. 21854) granting an increase of pension to Charles Traynor; to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 21855) for the relief of the heirs of Casper Rinker, deceased; to the Committee on War Claims.

By Mr. HEALD: A bill (H. R. 21856) granting an increase of pension to John Guthrie; to the Committee on Pensions.

By Mr. HUGHES of Georgia: A bill (H. R. 21857) granting a pension to Crowell Lisenby; to the Committee on Pensions.

Also, a bill (H. R. 21858) granting a pension to George W. Sanders; to the Committee on Pensions.

By Mr. KOPP: A bill (H. R. 21859) for the relief of S. R. Bentley; to the Committee on Claims.

By Mr. LITTLEPAGE: A bill (H. R. 21860) granting an increase of pension to John Welcher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21861) for the relief of the legal representatives of Henry Lane, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21862) for the relief of the legal representatives of Patrick D. Eagan, deceased; to the Committee on War Claims.

By Mr. LOUD: A bill (H. R. 21863) granting an increase of pension to Malcolm Dunning; to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 21864) granting an increase of pension to Jacob F. Hoffman; to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 21865) granting an increase of pension to Simpson Robinson; to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 21866) granting an increase of pension to Thomas Casey; to the Committee on Invalid Pensions.

By Mr. MURDOCK: A bill (H. R. 21867) granting an increase of pension to J. B. Carlile; to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 21868) granting an increase of pension to Mina A. Pilcher; to the Committee on Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 21869) granting an increase of pension to Alfred N. Heard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21870) granting an increase of pension to Arthur B. Straw; to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 21871) granting a pension to Elizabeth Loefstrom; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21872) granting an increase of pension to Alexander St. Clair; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21873) granting an increase of pension to William Arbogast; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 21874) granting an increase of pension to Joseph C. Carmean; to the Committee on Invalid Pensions.

By Mr. REYBURN: A bill (H. R. 21875) for the relief of Charles H. Large; to the Committee on Military Affairs.

By Mr. RUCKER of Colorado: A bill (H. R. 21876) granting an increase of pension to David R. Hunter; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 21877) granting a pension to Emma Hiles; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 21878) granting an increase of pension to Andrew Ogle; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 21879) granting an increase of pension to Albert S. Tracy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21880) granting a pension to Mary A. Chase; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 21881) granting commissions as captain, with honorable discharges and medals, to Rev. Howard B. Westervelt and Joseph O. Gregg; to the Committee on Military Affairs.

By Mr. TILSON: A bill (H. R. 21882) granting an increase of pension to Mary E. Hubbard; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of labor organizations in Porto Rico, asking that citizens of that island be granted American citizenship; to the Committee on Insular Affairs.

Also, petitions of labor organizations in the island of Porto Rico, for creation in Porto Rico of a department of labor and agriculture; to the Committee on Insular Affairs.

Also, petition of Illinois Branch, National German-American Alliance, protesting against further restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. AMES: Petition of the Reading (Mass.) Woman's Club, for investigation of the causes of diseases originating in dairy products; to the Committee on Agriculture.

By Mr. ANDERSON of Minnesota: Petition of George Smith and others, of St. Charles, Minn., against extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. ANSBERRY: Petitions of E. R. Manning, W. A. Mavis, and C. M. Stevenson, theater managers of Pioneer, Edgerton, and Defiance, Ohio, respectively, favoring House bill 20595, to amend section 25 of the copyright act of 1909; to the Committee on Patents.

By Mr. ASHBROOK: Petition of E. G. Glaggett and others, of Newark, Ohio, protesting against prohibition or interstate liquor legislation; to the Committee on the Judiciary.

Also, memorial of the United Mine Workers of America, asking Congress to pass legislation for old-age pensions; to the Committee on Pensions.

By Mr. BEALL of Texas: Petitions of Grand Prairie, Hubbard, and Waxahachie, Tex., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. BOWMAN: Petitions of citizens of the State of Pennsylvania, for amending the copyright act of 1909; to the Committee on Patents.

Also, petition of a Catholic society of Hazleton, Pa., in regard to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

By Mr. BROUSSARD: Petition of the American Boiler Makers' Association, protesting against bill putting sugar on the free list; to the Committee on Ways and Means.

By Mr. BURKE of Pennsylvania: Petition of merchants of Pittsburgh, Pa., protesting against House bill 16844, requiring manufacturers to stamp their names upon articles manufactured; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of Wisconsin: Petitions of citizens of the State of Wisconsin, protesting against the Lever Agricultural bill, providing for a reduction in the tax on oleomargarine; to the Committee on Agriculture.

Also, petition of Fred Hinze and 22 other members of the Cigarmakers' Union of Watertown, Wis., favoring the including in this year's naval appropriation bill a provision for the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. COX of Ohio: Memorial of Camp No. 37, United Spanish War Veterans, for enactment of House bill 17470; to the Committee on Pensions.

Also, petition of citizens of Hamilton, Ohio, for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of the German Catholic Society of Dayton, Ohio, for passage of House bill 2896; to the Committee on Ways and Means.

Also, petition of the Montgomery County (Ohio) Horticultural Society, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. CRAVENS: Petition of citizens of Mena, Ark., protesting against any change in rates on second-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. DAVIS of West Virginia: Petitions of citizens of Hancock County, W. Va., praying for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petitions of sundry citizens of Clarksburg and Wheeling, W. Va., and vicinity, praying that a clause be inserted in this year's naval appropriation bill providing for the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of citizens of Cameron, W. Va., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the State of West Virginia, for illiteracy test in immigration laws; to the Committee on Immigration and Naturalization.

Also, petitions of citizens of the State of West Virginia, protesting against increase of postage on second-class mail matter; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the State of West Virginia, relative to investigation of conditions at Lawrence, Mass.; to the Committee on Rules.

By Mr. DRAPER: Petition of Camp No. 2, Department of New York, United Spanish War Veterans, for enactment of House bill 17470; to the Committee on Pensions.

Also, petition of East Greenbush (N. Y.) Grange, Patrons of Husbandry, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. DANIEL A. DRISCOLL: Petition of citizens of the State of New York, for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of William C. Schutt, of Buffalo, N. Y., for amending the copyright act of 1909; to the Committee on Patents.

Also, memorial of the Equal Rights Association of Kentucky, for constitutional amendment granting women the right of suffrage; to the Committee on the Judiciary.

Also, papers to accompany bill for the relief of Charles Rosenkranz; to the Committee on Invalid Pensions.

By Mr. DYER: Petitions of the Woman's Christian Temperance Union and Compton Heights Christian Church, of St. Louis, Mo., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of United Spanish War Veterans, Department of Missouri, for enactment of House bills 17040 and 17470; to the Committee on Pensions.

Also, petition of George D. Barnard & Co., of St. Louis, Mo., for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, memorial of the Northwest Missouri Press Association, protesting against proposal to double second-class postal rates, etc.; to the Committee on the Post Office and Post Roads.

Also, memorial of Chamber of Commerce of the State of New York, relative to toll rates through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of Northwestern Retail Coal Dealers' Association, for passage of House bill 19795; to the Committee on Interstate and Foreign Commerce.

Also, petition of E. J. Babcock, of the University of North Dakota, for enactment of House bill 6304; to the Committee on Mines and Mining.

Also, petition of Eva Perry Moore, president general of the Federation of Women's Clubs, for a children's bureau; to the Committee on Labor.

Also, petition of citizens of St. Louis, Mo., for enactment of House bill 20281, providing for 1 cent tax on margarin, etc.; to the Committee on Agriculture.

Also, petitions of citizens of St. Louis, Mo., for amending the copyright act of 1909; to the Committee on Patents.

Also, petition of Equal Rights Association of Kentucky, for amending Constitution to give women right of suffrage; to the Committee on the Judiciary.

Also, petition of Kansas City (Mo.) Live Stock Exchange, for reduction of tax on oleomargarine; to the Committee on Agriculture.

Also, petition of Pendleton Grain Co., of St. Louis, Mo., for reduced postal rates; to the Committee on the Post Office and Post Roads.

Also, petition of Koken Barber Supply Co., of St. Louis, Mo., protesting against passage of House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Association for Labor Legislation, for passage of House bill 20842; to the Committee on Ways and Means.

Also, memorial of Garrison No. 134, Army and Navy Union, for enactment of House bill 18230; to the Committee on Reform in the Civil Service.

By Mr. ESCH: Petition of citizens of Rockland, Wis., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of La Crosse, Wis., for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. FLOYD of Arkansas: Papers to accompany bill for the relief of George L. Barner (H. R. 20310); to the Committee on Invalid Pensions.

By Mr. FOCHT: Papers to accompany bill for the relief of George W. Bard (H. R. 17952); to the Committee on Military Affairs.

By Mr. FOSS: Memorial of Lake Seaman's Union, of Chicago, Ill., in favor of House bill 11372; to the Committee on Naval Affairs.

Also, memorial of Chicago Grocers and Butchers' Association, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. FRENCH: Petition of Royce J. Patterson, of Wendell, Idaho, asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petitions of citizens of the State of Idaho, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Nampa, Idaho, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Washington and Idaho, for legislation preventing gambling in farm products; to the Committee on Agriculture.

Also, petition of citizens of Genesee, Idaho, for amending the public-land laws; to the Committee on the Public Lands.

Also, petition of members of Improved Order of Red Men of Burke, Idaho, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. FULLER: Petitions of L. D. Howe and D. C. Murray & Co., of Streator, Ill., in opposition to the proposed extension of the parcel-post service, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of E. B. Thomas, of Plano, Ill., in favor of the passage of House bill No. 20595, to amend section 25 of the copyright act; to the Committee on Patents.

Also, petition of the German Republican Club of Rockford, Ill., in opposition to the passage of any prohibition or interstate-commerce liquor measure now pending; to the Committee on the Judiciary.

Also, petition of William Hennessey, of Rural Free Delivery No. 7, Streator, Ill., favoring the passage of House bill 17470, to pension widows of Spanish War veterans; to the Committee on Pensions.

Also, petition of the Association of Army Nurses of the Civil War, in favor of the passage of Senate bill 5251, to pension Army nurses; to the Committee on Invalid Pensions.

Also, petition of the Madero County Chamber of Commerce, of Madero, Cal., favoring the construction of a flood-water canal and reservoir system from the San Joaquin River, etc.; to the Committee on Irrigation of Arid Lands.

Also, petition of St. Benedict Court, No. 782, Catholic Order of Foresters, of Peru, Ill., concerning the Catholic Indian mission bill, etc.; to the Committee on Indian Affairs.

Also, petition of Larkin & Co., of Buffalo, N. Y., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. GALLAGHER: Memorial of Local Union No. 194, Brotherhood of Painters, Decorators, and Paperhangers of America, for constitutional amendment granting women the same political rights as are now enjoyed by men; to the Committee on the Judiciary.

By Mr. GARDNER of Massachusetts: Memorial of Walter S. Hogdon, of Haverhill, Mass., containing certain statements; to the Committee on Immigration and Naturalization.

Also, memorial of the New England Fish Exchange, of Boston, Mass., opposing House bill 18788; to the Committee on the Merchant Marine and Fisheries.

By Mr. GRIEST: Petitions of Christ Reformed and United Brethren Churches, of Elizabethtown, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the Association of Army Nurses of the Civil War, for legislation granting pensions to Volunteer Army nurses of the Civil War; to the Committee on Invalid Pensions.

By Mr. HAMILTON of West Virginia: Memorial of the Conference of St. Paul's Methodist Episcopal Church, of Parkersburg, W. Va., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HARTMAN: Petition of Grange No. 1124, Patrons of Husbandry, for amending the laws governing the traffic in oleomargarine; to the Committee on Agriculture.

By Mr. HEALD: Petition of numerous citizens of Newcastle County, Del., favoring reduction of duty on sugar; to the Committee on Ways and Means.

By Mr. HENSLEY: Petition of the Catholic Society of Leopold, Mo., protesting against resolution of inquiry concerning Government institutions in which American citizens wearing the habit of various religious orders are employed; to the Committee on Indian Affairs.

By Mr. HOWELL: Petition of L. B. McCormick and others, of Salt Lake City, Utah, for Federal protection of migratory game birds; to the Committee on Agriculture.

Also, memorial of the American Veterans of Foreign Service, in favor of granting to Philippine reenlisted volunteers the same travel pay and allowances as given to volunteers not reenlisted; to the Committee on Military Affairs.

By Mr. HUGHES of New Jersey: Memorial of Camp No. 2, United Spanish War Veterans, of Passaic, N. J., for enactment of House bill 17470; to the Committee on Pensions.

Also, petition of citizens of the State of New Jersey, for passage of Berger old-age pension bill; to the Committee on Pensions.

By Mr. KINKEAD of New Jersey: Memorial of the Chamber of Commerce of the State of New York, protesting against proposed reduction in appropriation for Diplomatic and Consular Service; to the Committee on Appropriations.

Also, petition of the Chamber of Commerce of the State of New York, for establishment of nautical schools; to the Committee on the Merchant Marine and Fisheries.

By Mr. KOPP: Petitions of citizens of Vernon and Grant Counties, Wis., protesting against the reduction of the tax on oleomargarine; to the Committee on Agriculture.

Also, petition of citizens of Richland County, Wis., in favor of a parcel post; to the Committee on the Post Office and Post Roads.

By Mr. LINDSAY: Petitions of citizens of Brooklyn, N. Y., for amending the copyright act of 1909; to the Committee on Patents.

Also, petition of Camp No. 10, Department of New York, United Spanish War Veterans, for enactment of House bill 17470; to the Committee on Pensions.

By Mr. LOUD: Papers to accompany bill for the relief of Malcolm Dunning; to the Committee on Invalid Pensions.

By Mr. MCHENRY: Petitions of citizens of Milton, Pa., asking for a reduction in the duty on sugar; to the Committee on Ways and Means.

By Mr. MCKINNEY: Petition of the Retail Merchants' Association of Moline, Ill., opposing extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of residents of Watertown, Ill., for a constitutional amendment allowing women the right of suffrage; to the Committee on the Judiciary.

By Mr. MAHER: Memorial of the Chamber of Commerce of the State of New York, relative to toll rates through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of the State of New York, for establishment of marine schools, etc.; to the Committee on the Merchant Marine and Fisheries.

Also, petitions of citizens of Brooklyn, N. Y., for amending the copyright act of 1909; to the Committee on Patents.

Also, petition of Camp No. 10, Department of New York, United Spanish War Veterans, for enactment of House bill 17470; to the Committee on Pensions.

By Mr. MANN: Petitions of the Woman's Alliance of the First Unitarian Church of Oakland, Cal., and Woman's Suffrage Study Club of New York City, favoring appropriation of \$250,000 for enforcement of white-slave traffic act; to the Committee on Appropriations.

Also, petition of Legislative League of New York, urging the appropriation of \$250,000 for enforcement of white-slave traffic law; to the Committee on Appropriations.

Also, petition of members of Local Union No. 194, Painters, Paperhangers, and Decorators, of Chicago, Ill., indorsing amendment to Constitution giving women the same political rights enjoyed by men; to the Committee on the Judiciary.

Also, petition of Elgin (Ill.) Board of Trade, favoring retention of 10-cent tax on oleomargarine; to the Committee on Agriculture.

Also, petition of the Association of Commerce, in favor of House bill 8141—National Guard pay bill; to the Committee on Military Affairs.

By Mr. MOON of Tennessee: Petition of the Woman's Christian Temperance Union of Chattanooga, Tenn., for passage of an effective interstate liquor law; to the Committee on the Judiciary.

Also, papers to accompany bill for the relief of Thomas Carley; to the Committee on Invalid Pensions.

By Mr. MOTT: Petitions of Patrons of Husbandry, Granges of Orwell and Port Leyden, N. Y., protesting against the Lever oleomargarine bill; to the Committee on Agriculture.

By Mr. NEELEY: Petition of C. L. Ely, of Turon, Kans., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of citizens of Deerfield, Kans., protesting against proposed repeal of duties on sugar; to the Committee on Ways and Means.

Also, petition of citizens of Garfield, Kans., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. NELSON: Petition of 176 citizens of the second congressional district of Wisconsin, asking for the passage of the Berger old-age pension bill; to the Committee on Pensions.

Also, petition of sundry citizens of Watertown, Wis., favoring the insertion of a clause in naval appropriation bill for the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petitions of citizens of the State of Wisconsin, protesting against the Lever agricultural bill; to the Committee on Agriculture.

By Mr. NYE: Memorial of Minnesota State Grange, favoring parcel post; to the Committee on the Post Office and Post Roads.

Also, resolutions of the Minnesota State Grange Association, favoring measure to prohibit manufacture and sale of colored oleomargarine; to the Committee on Agriculture.

By Mr. PATTON of Pennsylvania: Petition of Grange No. 1146, Patrons of Husbandry, for enactment of parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. RAINEY: Petition of Mrs. Rebecca Sigsworth and others of the Woman's Christian Temperance Union of New Salem, Pike County, Ill., in favor of Kenyon-Sheppard interstate liquor shipping bill; to the Committee on the Judiciary.

Also, petition of J. S. Mikesell and others, of Jacksonville, Ill., favoring votes for women; to the Committee on the Judiciary.

Also, petition of J. F. Mikesell and others, of Jacksonville, Ill., favoring old-age pensions; to the Committee on Pensions.

By Mr. ROUSE: Petitions of Improved Order of Red Men of the sixth congressional district of Kentucky, favoring House bill 16313; to the Committee on Public Buildings and Grounds.

Also, memorial of mechanics of Kentucky, against the Taylor system of shop management; to the Committee on Labor.

By Mr. SABATH: Petitions of the Chicago Grocers and Butchers' Association and Duquoin Retail Merchants' Association, for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Trades and Labor Assembly of Aurora, Ill., protesting against supplanting civilian employees with enlisted men in the navy yards; to the Committee on Naval Affairs.

Also, petition of Tug Firemen and Linemen's Protective Association, for passage of House bill 18787; to the Committee on Labor.

By Mr. J. M. C. SMITH: Petitions of W. C. Caldwell, Battle Creek; W. H. Johnson, Kalamazoo; William Koons, Vicksburg; Sam Robinson, Charlotte; W. J. Wilson, Waldron; J. E. Luskot, Albion; Horton Davis, Chariotte, all in the State of Michigan, for passage of House bill 20595, to amend section 25 of the copyright act of 1909; to the Committee on Patents.

Also, petition of citizens of Quincy, Ill., protesting against passage of House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petition of Butler Grange, of Butler, Mich., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Hillsdale Creamery Co., of Hillsdale, Mich.; of 65 citizens of Marshall, Mich.; and of 72 citizens of Litchfield, Mich., protesting against the Lever oleomargarine bill; to the Committee on Agriculture.

By Mr. SMITH of New York: Petition of residents of Buffalo, N. Y., in opposition to legislation providing for observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

Also, memorial of the Carriage, Wagon & Automobile Workers' International Union of North America, for investigation of conditions at Lawrence, Mass.; to the Committee on Rules.

By Mr. SPARKMAN: Memorial of Camp No. 1514, United Confederate Veterans, relative to the cotton tax collected by the Government; to the Committee on Claims.

Also, memorial of Jacksonville (Fla.) Board of Trade, for legislation increasing the efficiency of the Public Health and Marine-Hospital Service; to the Committee on Appropriations.

Also, memorial of the Jacksonville (Fla.) Board of Trade, relative to tariff duty on rosin; to the Committee on Ways and Means.

By Mr. STEPHENS of California: Memorial of the City Council of Alameda, Cal., protesting against reduction in the appropriation for the San Francisco Mint; to the Committee on Appropriations.

Also, memorial of Los Angeles (Cal.) Osteopathic Society, favoring a separate osteopathic board; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of the State of California, favoring the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. TAYLOR of Colorado: Petition of Collbran, Colo., for construction of a road through the Battlement Mesa National Forest; to the Committee on Agriculture.

By Mr. TAYLOR of Ohio: Memorial of Columbus Camp, No. 49, Department of Ohio, Spanish War Veterans, urging passage of House bill 17470; to the Committee on Pensions.

Also, petition of citizens of Ohio, favoring the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of Right Rev. Joseph Soentgerath and other citizens of Columbus, Ohio, protesting against the attitude of the House Committee on Indian Affairs relating to Catholic Indian mission interests, etc.; to the Committee on Indian Affairs.

By Mr. TOWNER: Petition of J. L. Franklin and other citizens of Creston, Iowa, favoring House bill 16214; to the Committee on the Judiciary.

Also, petitions of citizens of the State of Iowa, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. TUTTLE: Petitions of the Young Men's Christian Association of Plainfield, N. J.; A. J. Petty, Jewel Theater, Washington, N. J.; J. H. Nunn, Lyric Theater, Morristown, N. J.; Thomas Cavanaugh, Bright Spot Theater, Netcong, N. J.; and Widenor Bros., Belvidere Theater, Belvidere, N. J., favoring House bill 20595, to amend section 25 of the copyright act of 1909; to the Committee on Patents.

Also, memorial of John J. Brereton Camp, United Spanish War Veterans, of Paterson, N. J., favoring House bill 17470; to the Committee on Pensions.

Also, memorial of Polish National Alliance of the United States of North America, protesting against educational test in immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of Downtown Democratic Club, of Elizabeth, N. J., favoring House bill 9242; to the Committee on Reform in the Civil Service.

Also, petitions of the Christian Church of Vienna, N. J., and the Methodist Episcopal Church of Mendham (borough), N. J., favoring the passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. WEDEMAYER: Petition of citizens of Brooklyn, Mich., in favor of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. WHITE: Petition of citizens of Washington County, Ohio, for passage of Sulzer parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. WILDER (by request): Memorial of the Woman's Christian Temperance Union and 52 members, of Gardner, Mass., in behalf of House joint resolution 163; to the Committee on the Judiciary.

By Mr. WILSON of New York: Petition of Iowa Retail Hardware Association, protesting against parcel-post legislation and for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, memorial of Post No. 19, American Veterans of Foreign Service, for certain legislation; to the Committee on Military Affairs.

Also, memorial of the Chamber of Commerce of the State of New York, relative to toll rates through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petitions of citizens of Oakland, Cal., and of the State of New York, for enactment of House bill 14, to extend the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. WOOD of New Jersey: Petition of citizens of Clinton, N. J.; the consistory of the Reformed Church of Blawenburg, N. J.; Rev. B. V. D. Wyckoff, of Readington, N. J.; official board of Methodist Episcopal Church of Clinton, N. J.; the Temperance Section of Philadelphia Meeting Philanthropic Committee; Methodist Episcopal Church of Somerville, N. J.; and First Baptist Church of Ringoes, N. J., urging passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, memorial of Trenton Lodge, No. 398, International Association of Machinists, of Trenton, N. J., protesting against the acts of violence of the militia and police in Lawrence, Mass., strike; to the Committee on Rules.

SENATE.

THURSDAY, March 14, 1912.

The Senate met at 2 o'clock p. m.

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Almighty God, our heavenly Father, with whom do live the spirits of those who depart hence, we thank Thee that Thou hast brought us to this day of tender and reverent memory. Unto Thee, who art the bountiful source of all goodness, we render thanks for the long and honorable public ministry of him whom we this day commemorate. As in memory we again see his face and hear his voice, and as of yore we seem to behold him sharing the counsels of this body and laboring by our side, we pray Thee to consecrate to us the service of this day and to make us worthy of this fellowship. Because of such, life is the richer and nobler for us all. Death is robbed of its sting and the grave loses its victory as we contemplate the peace and the joy that await those who faithfully serve Thee.

We remember, now and here, those whose sorrow is most deep. Comfort them by Thy heavenly grace and uphold them by Thy spirit. Bid the light of Thy countenance to shine upon them in their darkness and let the assurance of Thine unflinching love be their hope and stay. Thou hast given and Thou hast taken away; blessed be Thy name, O Lord of life and of death.

In the name of Him who abolished death and brought life and immortality to light, receive our prayer. Amen.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the joint resolution (S. J. Res. 89) to amend the joint resolution to prohibit the export of coal or other material used in war from any seaport of the United States, with amendments, in which it requested the concurrence of the Senate.

EXPORT OF ARMS AND MUNITIONS OF WAR.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 89) to amend the joint resolution to prohibit the export of coal or other material used in war from any seaport of the United States, which were, on page 1, line 10, to strike out "the President is hereby authorized, in his discretion and with such limitations and exceptions as shall seem to him expedient, to prohibit by proclamation the export of" and insert "and shall make proclamation thereof, it shall be unlawful to export, except under such limitations and exceptions as the President shall prescribe, any," and on page 2, line 3, to strike out "the shipment of any material prohibited by" and insert "any shipment of material hereby declared unlawful after."

Mr. ROOT. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented resolutions adopted by members of the Sons of Veterans' Association of Philadelphia, Pa., and resolutions adopted by members of the Sons of Veterans' Club of Philadelphia, Pa., favoring the passage of the so-called dollar-a-day pension bill, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Cazenovia, Wis., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Alma, Wis., remonstrating against the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of the congregation of the Methodist Episcopal Church of Augusta, Wis.; of the Woman's Christian Temperance Unions of Roxbury and Pittsfield, Mass., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, or importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. CULLOM presented petitions of Frank B. Killefer Camp, No. 33, Department of Illinois, United Spanish War Veterans, of Streator; of Local Camp No. 54, Department of Illinois, United Spanish War Veterans, of Chicago; and of John C. Snyder, of Dwight, all in the State of Illinois, praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or